



Asian Domain Name Dispute Resolution Centre

hong kong

(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2501954
1st Complainant:	Alibaba Group Holding Limited
2nd Complainant:	Hangzhou Alibaba Advertising Co. Ltd
1st Respondent:	Ravshan Kholikov
2nd Respondent:	Adkham Isaev
Disputed Domain Name(s):	1. <1688global.com>, 2. <tao-buyer.com>

1. The Parties and Contested Domain Names

The first Complainant is Alibaba Group Holding Limited, of 4th Floor, One Capital Place, P.O. Box 847, Grand Cayman, Cayman Islands. The second Complainant is Hangzhou Alibaba Advertising Co. Ltd of No. 699 Wangshang Road Binjiang District Hangzhou Zhejiang 310052 China (the "Complainant").

The first Respondent is Ravshan Kholikov, of Tashkent Uzbekistan, Tashkent City, Yunus Abad District Halk Abad Street 44, Tashkent Tashkent Uzbekistan Tashkent. The second Respondent is Adkham Isaev, of Maorif40 Tashkent, Tashkent 100049 Uzbekistan (the "Respondents").

The domain names at issue are, 1. <1688global.com> and 2. <tao-buyer.com> (the "Disputed Domain Names") registered by the Respondents with GoDaddy.com, LLC (the Registrar) of 14455 North Hayden Road, Suite 219, Scottsdale AZ 85260, **United States**.

2. Procedural History

The Complaint was filed with the Asian Domain Name Dispute Resolution Centre (Hong Kong Office) (the "Centre") on 02 January 2025. On 03 January 2025, the Centre transmitted by email to the Registrar a request for registrar verification in respect of the domain names in issue. On 04 January 2025, the Registrar transmitted by email to the Centre its verification response verifying that the Respondents are as listed as the registrants of the Disputed Domain Names. The Centre by email of 09 January 2025 also transmitted to the Complainant, a Notice of Deficiency. On 14 January, 2025 the Complainant submitted a revised Complaint. On 15 January 2025 the Centre wrote to the Complainant to confirm that the Complaint is in administrative compliance with the Uniform Domain Name Dispute Resolution Policy (the "Policy"), the Rules for the Uniform Domain Name Dispute Resolution Policy (the Rules). The Centre on 15 January 2025 also notified the Respondents of the Complaint and advised that a response ought to be filed by the Respondents on or

before 04 February 2025. The Respondents failed to file a response on the due date or at all, and the Centre by email of 05 February 2025 informed all the Parties of the Respondents' default. On 05 February 2025 the Centre appointed Professor Ike Ehiribe as Sole Panellist in these administrative proceedings. The Panel finds that it was properly constituted. The Panel on 20 February 2024 issued a procedural order extending the time within which to render the final decision in the proceedings to 24 February 2024 in order as to comply with the timelines provided by the Rules.

3. Factual background

a) The Complainant is the owner of various registrations for the trademarks "1688" "1688.COM" and "TAO". See Annex 1 for the list of relevant trademark registrations in classes 9, 16,35,36,38,39,41 and 42 in jurisdictions such as China, the United States, Europe and Singapore etc. The Complainant also known as the Alibaba Group was founded in Hangzhou, China in 1999 and it is said has since grown to become a global leader in the field of e-commerce. The Complainant's total revenue is said to have hit RMB 868,687 million in the year 2023. The Complainant operates various businesses through its related and affiliated companies including on-line business to business, wholesale marketplaces namely, www.alibaba.com for global trade and www.1688.com of domestic trade in China, other online business to consumer and consumer to consumer platforms, namely, Taobao.com marketplace, AliExpress.com marketplace, 1688.com marketplace and Tmall.com marketplace. On 19 September 2014, Alibaba officially listed on the New York Exchange and is said to have set a record for the world's biggest initial public offering with its US 25 billion listing.

b) The brand 1688.com was launched in 1999 and is China's leading integrated domestic wholesale marketplace in 2020 by revenue. According to Similarweb.com, the website at the Complainant's primary domain name <1688.com> is ranked 41st most popular website in China and 778th globally. Furthermore, this website has received more than 40.5 million visits in the month of October 2024.

c) The brand Taobao was launched in 2003. According to the Similarweb.com, the website at Complainant's primary domain name <Taobao.com> is ranked 7th most popular website in China and 121st globally. Furthermore, Complainant's website has received more than 199 million visits in the month of October 2024. Taobao was China's largest digital retail platform for the 12 months ended March 31, 2022, according to Analysis.

d) The Respondents are (i) Ravshan Kholikov of Tashkent Uzbekistan, Tashkent City, Yunus Abad District Halk Abad Street 44 Tashkent, Tashkent 700000 and (ii) Adkham Isaev of Maorif40 Tashkent, Tashkent 100049 Uzbekistan. The Disputed Domain Name <1688global.com> was created on 23 January 2024 while the Disputed Domain Name <tao-buyer.com> was created on 13 August 2024. The Disputed Domain Name <1688global.com> it is said, currently redirects to the website at the Disputed Domain Name <tao-buyer.com>.

4. Parties' Contentions

A. Complainant

The Complainant's contentions may be summarized as follows:

- i. The Disputed Domain Names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights in that:
 - a) In creating the Disputed Domain Names, the Respondents have added the generic descriptive term "global" to the Complainant's 1688 trademark and a hyphen and the generic descriptive term "buyer" to the Complainant's TAO trademark, thereby making the Disputed Domain Names confusingly similar to the Complainant's trademark. It is further submitted that the fact that such terms are closely linked and associated with the Complainant's brand and trademark only serves to underscore and increase the confusing similarity between the Disputed Domain Names and the Complainant's trademarks.
 - b) It is further submitted that a disputed domain name that consists merely of a complainant's trademark and an additional term that closely relates to and describes that complainant's business is confusingly similar to that complainant's trademarks. See in this regard *Inter IKEA Systems B.V. v Franklin Lavell/IkeaCuisine.net* WIPO. Case No. D2015-2042. See also WIPO Jurisprudential Overview 3.0 at paragraph 1.8.
 - c) Secondly, it is contended that the mere addition of a hyphen does nothing to distinguish the Disputed Domain Name <tao-buyer.com> from the Complainant's trademark following *Chernow Commons Inc. v. Kimball*, WIPO Case No. D20000-0119.
 - d) Thirdly, it is argued that it is standard practice to disregard the TLD extension of a disputed domain name when conducting a confusing similarity comparison. See *WIPO Jurisprudential Overview 3.0* at paragraph 1.11.1.
- ii. The Respondents have no rights or legitimate interests in respect of the Disputed Domain Names in that:
 - a) The Complainant has not licensed, authorized or permitted the Respondents to register the Disputed Domain Names incorporating the Complainant's trademarks.
 - b) The Respondents are not commonly known by the Disputed Domain Names in issue and neither are they making a *bona fide* offering of goods and services nor a legitimate non-commercial or fair use of the Disputed Domain Names.
 - c) The Respondents who initially registered the Disputed Domain Names through a privacy service cannot be said to have acquired any rights or legitimate interests in the Disputed Domain Names.
- iii. The Disputed Domain Names have been registered and are being used in bad faith in that:
 - a) The Complainant contends that it has marketed and sold its goods and services using these trademarks well before the Respondents registered the Disputed Domain Names in January and August 2024. Therefore, it is inconceivable that the Respondents were unaware of the Complainant's brands at the time of registration of the Disputed Domain Names.
 - b) The Complainant in further support of the bad faith element contends that by featuring the Complainant's TAO trademark at the top of the <tao-buyer.com> website, the Respondents are attempting to cause consumer confusion in a nefarious attempt to profit from such confusion, as consumers would believe that the Respondent is somehow associated with the Complainant. Therefore, the Complainant asserts that the Respondent's actions create a likelihood of confusion

as to source, sponsorship, affiliation or endorsement of the Disputed Domain Names. Furthermore, it is stated that the Respondents are thus illegally using the fame of the Complainant's trademarks for the Respondents' commercial gain.

- c) Furthermore, it is stated that the Respondents' unlawful use of the Disputed Domain Names constitutes a disruption of the Complainant's business which qualifies as bad faith registration and use under the Policy.
- d) The Complainant also refers to the fact that the Respondents initially registered the Disputed Domain Names through privacy services to hide their identities which has been held in other UDRP decisions to be further evidence of bad faith registration and use. See WIPO Jurisprudential Overview 3.0 at paragraph 3.6.
- e) Finally, and still on the bad faith element of the Policy, the Complainant recounts how the Respondents upon receipt of a cease and desist letter on 21 July 2024 which demanded that the Respondents delete the <1688global.com> Disputed Domain Name and remove its website, the Respondents only removed the website content and proceeded to register another Disputed Domain Name which is <tao-buyer.com> to which the Disputed Domain Name <1688global.com> currently directs. The Complainant therefore submits that the failure to respond fully and positively to a cease-and-desist letter is further evidence of bad faith registration and use. See *Encyclopedia Britannica v. Zuccarini*, WIPO Case No D2000-0330.

B. Respondent

The Respondents failed to file a response to this complaint.

5. Findings

a) Language.

In accordance with Article 11 of the UDRP Rules, the Panel is satisfied that the language of this administrative proceeding shall be the English Language. In this regard, the Panel observes that the language of the Registration Agreement of the Disputed Domain Name is the English Language.

b) Consolidation.

The Panel is satisfied that the Complainant has advanced sufficient grounds which renders consolidation of the Complaint in respect of the two Disputed Domain Names most appropriate. The Panel finds that Consolidation of the complaints would be fair and equitable to all Parties and engender procedural efficiency following WIPO Jurisprudential Overview 3.0. at Paragraph 4.11.2. See also *Eli Lilly and Company v. Darren K. Headley et al.* WIPO Case No. D2013 -1303.

The Complainant asserts that the two Disputed Domain Names are under common control based on the following reasons: a) the Disputed Domain Name, <1688global.com> redirects to the website at the Disputed Domain Name of <tao-buyer.com>; b) the Disputed Domain Names both resolve to online shopping websites;

c) the Disputed Domain Names were registered in the year 2024 through the same privacy service and registered with the same registrar GoDaddy.com LLC.; and d) both registrants are based in Tashkent Uzbekistan.

c) Reasons & Analysis

The ICANN Uniform Domain Name Dispute Resolution Policy provides, at Paragraph 4(a), that each of three findings must be made in order for a Complainant to prevail:

- i. Respondent's domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- ii. Respondent has no rights or legitimate interests in respect of the domain name; and
- iii. Respondent's domain name has been registered and is being used in bad faith.

A) Identical / Confusingly Similar

The Panel is satisfied that the Complainant owns numerous registrations for the trademarks "1688", "1688.com" and "TAO" world-wide as listed in the complaint and Annex 1 attached to this proceeding. The Panel, therefore, finds that on a visual examination of the Disputed Domain Names, the Disputed Domain Names are confusingly similar to the Complainant's trademarks. The Disputed Domain Names <1688global.com> and <tao-buyer.com> clearly incorporate the Complainant's trademarks "1688" and "tao" entirely. As correctly argued by the Complainant the top-level domain (TLD) or extension would normally be disregarded when conducting a confusing similarity test. See *WIPO Jurisprudential Overview 3.0*, at Paragraph 1.11.1. Similarly, the mere addition of generic or descriptive terms such as "global" "buyer" and a hyphen to the Disputed Domain Names by the Respondents does absolutely nothing to prevent a confusing similarity finding. Particularly, as the added words in this instance, closely relate to the Complainant's e-commerce and business activities. See in this regard *Inter IKEA Systems B.V. v. Franklin Laval/ IkeaCuisine.net supra*.

B) Rights and Legitimate Interests

With regards to the rights and legitimate interest requirement of the Policy, the accepted principle is that the Complainant bears the burden of proof to establish that the Respondents have no rights nor legitimate interests in the Disputed Domain Names, however, once the Complainant has made out a *prima facie* case the burden shifts onto the Respondents to rebut such a *prima facie* case by establishing rights and legitimate interests in the Disputed Domain Names. See in this regard, *Janchor Partners Limited v. Regina Effiong*, HK-1701037. In these circumstances, the Panel finds that the Respondents have failed to adduce any credible evidence capable of demonstrating that the Respondents have any rights or legitimate interests in the Disputed Domain Names.

In particular, the Respondents have not demonstrated that they were ever authorized, licensed or permitted to use any of the Complainant's 1688 and TAO trademarks. The Respondents have also failed to establish that there is in existence a business relationship with the Complainant or that the Respondents have been commonly known by the Disputed Domain Names. On the contrary, the compelling evidence adduced by the Complainant suggests that the Respondents have been intentionally utilizing the Disputed Domain Names to mislead internet visitors and the Complainant's customers into believing that the Disputed Domain Names are somehow affiliated to the Complainant for commercial gain considering that the Disputed Domain Name <1688global.com> resolves to the website linked to the

<tao-buyer.com> Disputed Domain Name and other e-commerce websites and or websites of the Complainants' competitors. The Respondents' activities in this regard cannot be described as a *bona fide* offering of goods and services nor a legitimate non-commercial or fair use of the Disputed Domain Names within the ambit of the Policy. See in this regard *Promgirl LLC v Jack Zhang*, HK-1500814; *Bytedance Ltd v Great Domains*, HK-1901270.

C) Bad Faith

Turning to the bad faith registration and use requirement, the Panel finds that it is inconceivable for it to be remotely suggested that the Respondents were not fully aware of the Complainant's international e-commerce activities and existing intellectual property rights in the "1688" and "TAO" trademarks before electing to register the Disputed Domain Names in January and August 2024. This Panel is therefore, satisfied that the registration of the Disputed Domain Names was not coincidental, but these registrations were carried out by the Respondents with the clear intention to exploit the Complainant's e-commerce international reputation and goodwill. See in this regard *Telstra Corp Ltd v. Nuclear Marshmallows*, WIPO Case No. D2000-0003 and *APM Monaco S.A.M., v. YiZhang/Yizhangmusic*, HK -2301796.

The Panel in addition finds that the Respondents' use of the Disputed Domain Names is disruptive of the Complainant's business in a manner that satisfies the bad faith and registration and use requirement. The Complainant has established that the Respondent is using the fame of the Complainant's trademarks to create a likelihood of confusion as to the source, sponsorship, affiliation or endorsement of the Disputed Domain Names thereby causing consumers to believe that the Respondents are somehow affiliated to the Complainant when in fact, they are not.

Furthermore, the Panel also finds that the Respondents' registration of the Disputed Domain Names facilitated through privacy services supposedly to hide identity is also indicative of bad faith use and registration. See in this regard *WIPO Jurisprudential Overview 3.0* at Paragraph 3.6.

Finally, the Panel finds that the Respondents' failure to comply fully with the cease-and-desist letter issued by the Complainant on 11 July 2024 is further evidence of bad faith registration and use. In that the Respondents in utter disregard of the cease-and-desist letter proceeded to register the second Disputed Domain Name <tao-buyer.com> in August 2024 and redirected the first Disputed Domain Name <1688global.com> to a website associated with the <tao-buyer.com> Disputed Domain Name. See in this regard *Encyclopedia Britannica v. Zuccarini, supra*.

6. Decision

For all these reasons and in accordance with paragraph 4 (1) of the Policy and 15 of the Rules, the Panel therefore, directs that the Disputed Domain Names <1688global.com> and <tao-buyer.com> be transferred to the Complainant forthwith i.e. Hangzhou Alibaba Advertising Co. Ltd the second Complainant.



High Chief (Professor) Ike Ehiribe
Sole Panellist

Dated: 24 February 2024