



**(Hong Kong Office)**

**ADMINISTRATIVE PANEL DECISION**

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<b>Case No.</b>	HK-1600855
<b>Complainant:</b>	Edgwell Personal Care Brands LLC
<b>Respondent:</b>	jifeifei
<b>Disputed Domain Name(s):</b>	<schickultrablue.com>

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**1. The Parties and Contested Domain Name**

The Complainant is Edgwell Personal Care Brands LLC, of 6 Research Drive, Shelton, Connecticut 06484, USA.

The Respondent is Jifeifei, of tongbao lu; mandaluyong, Albay 5682, Philippines.

The domain name at issue is <schickultrablue.com>, registered by Respondent with PDR Ltd , D/B/A PUBLICDOMAINREGISTRY.COM.

**2. Procedural History**

On 11 March 2016, the Complainant filed the Complaint with the Hong Kong office of the Asia Domain Name Dispute Resolution Centre (the "Centre") in accordance with the Uniform Domain Name Dispute Resolution Policy ("Policy") adopted by the Internet Cooperation for Assigned Names and Numbers ("ICANN") on 24 October 1999.

On 14 March 2016, the Centre transmitted by email to the Registrar a request for confirmation that the disputed domain name was registered by the Respondent and that the disputed domain name will be prohibited from being transferred to a third party. On the same date, the Registrar confirmed by email that the Respondent was the registrant of the disputed domain name <schickultrablue.com> and the the Disputed Domain Name had been locked.

In accordance with paragraphs 2(a) and 4(a) of the Rules, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on 5 April 2016. In accordance with paragraph 5(a) of the Rules, the due date for the Response was 25 April 2016. The Respondent did not submit any response. Accordingly, the Center notified the parties of the Respondent's default on 4 May 2016.

The Center appointed Mr Douglas Clark the Panel in this matter on 9 May 2016. The Panel finds that it was properly constituted. The Panel confirmed its impartiality and independence, as required by the Centre to ensure compliance with paragraph 7 of the Rules.

### **3. Factual background**

The Complainant manufactures, markets, and sells in the personal care products including a line of razors sold under the brand name SCHICK. SCHICK ULTRA BLUE is a sub-brand of Schick razors.

The Complainant is the registered owner of a number of marks for SCHICK and ULTRA BLUE in China and for SCHICK in the Philippines as well as in numerous other countries. Some of these registrations are recorded in the previous name of the Complainant - Eveready Battery Company Inc.

The Respondent is an individual and registered the domain name with an address in the Philippines. The disputed domain name resolves to a website in simplified Chinese which appears to promote online games and gaming.

The Respondent has registered numerous other domain names which incorporate famous marks such as: <nikeukstore.com>, <55samung.com>, <chnapple.com>, <iphone25.com> and <lenovoai.com>.

### **4. Parties' Contentions**

#### **A. Complainant**

The Complainant's contentions may be summarized as follows:

Identical or confusingly similar

The Complainant argues that the disputed domain name <schickultrablue.com>, made up of the registered trademarks SCHICK and ULTRA BLUE is identical or confusingly similar to the Complainant's registered trademarks SCHICK and ULTRA BLUE. The combination of two marks is likely to cause confusion as to a relationship with the Complainant.

No rights or legitimate interests

The Respondent has no connection with the Complainant or any of its affiliates and has never sought or obtained any trademark registrations for SCHICK or ULTRA BLUE.

Registered and used in bad faith

There is no doubt that before registration of the disputed domain name the Respondent knew of the Complainant's rights in SCHICK and ULTRA BLUE. Further, the Respondent has been engaged in a pattern of conduct of registration domain name incorporating famous trademarks.

#### **B. Respondent**

The Respondent did not reply to the Complainant's contentions.

## 5. Findings

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 or Confusingly Similar

The disputed domain name <schickultrablue.com> is made up of two registered trademarks SCHICK and ULTRA BLUE. The combination of the two does not stop the disputed domain name being identical to the registered marks and the first part of the policy is therefore satisfied.

### B. Rights or Legitimate Interests

The Respondent has not responded to the Complaint to assert any rights or legitimate interests.

The Complainant has made out a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name and thereby the burden of production shifts to the Respondents to produce evidence demonstrating rights or legitimate interests in respect of the Disputed Domain Name (see for example Croatia Airlines d.d. v. Modern Empire Internet Ltd., WIPO Case No. D2003-0455).

Paragraph 4(c) of the Policy sets out ways in which a Respondent may establish they have rights and legitimate interests. These are:

“(i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or

(iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.”

The Respondent has not responded to the complaint to present any evidence to establish rights or legitimate interests under these heads.

None of the circumstances in paragraph 4(c) of the Policy are, therefore, present in this case.

The second element of paragraph 4(a) of the Policy is therefore satisfied.

### C. Registered and Used in Bad Faith

The Panel has no hesitation in finding that the disputed domain name <schickultrablue.com> was registered in bad faith and is being used in bad faith.

Paragraph 4(b)(ii) of the Policy provides that a registration has registered and using a domain name in bad faith where:

“(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct”

As noted above, the evidence shows that the Respondent has engaged in a pattern of registering domain names that bear striking resemblance to famous marks. This pattern of conduct clearly demonstrates bad faith on the part of Respondent.

Further, Paragraph 4(b)(iv) of the Policy which provides that a registrant has registered and is using a domain name in bad faith where:

“by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location.”

The use of the disputed domain name has been clearly designed to attract consumers to the Respondent’s website and generate revenue by clicking through to online game or gaming sites.

## **6. Decision**

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name, <schickultrablue.com>, be transferred to the Complainant.

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Douglas Clark  
Panelist

Dated: 23 May 2016