



DECISION

Trend Fin B.V. v. GABRIEL OLASOJI. DR/Edward Wong/Roger Eriksson/Kazi Samiul Talha/Neha Parnami/Raney Sari/Deisi Remus/Hepldesk Switzerland/Mohit Singh/PRITI SHINDE/Ilya Miller/JAYAPRAKASHBABU JAI/BOHOTRENDZ/FEI CAI/BIOS COLOR PACKING COMPANY LTD./Raquel Moya/Almoatasembellah Ahmed/Market Share/Romi Sahoo/Bkgraphy/Domain Admin/HugeDomains.com/Kate Spade, LLC/ Yaominxuan Qiu/Xinyue Ye/Ireneusz Bachurski/Ireneusz Bachurski Przedsiębiorstwo INFO-BI/stephen zhang/Fang tao/cheng ying min/Name.com Name.com /Name.com/David Czinczenheim/Moises Garcia/Fashion Street Productions/Barese Consolata
Claim Number: FA2309002061351

PARTIES

Complainant is Trend Fin B.V. (“Complainant”), represented by BENOÎT NASR of WAALWEAR BRANDS S.à r.l., Luxembourg. Respondent is GABRIEL OLASOJI. DR/Edward Wong/Roger Eriksson/Kazi Samiul Talha/Neha Parnami/Raney Sari/Deisi Remus/Hepldesk Switzerland/Mohit Singh/PRITI SHINDE/Ilya Miller/JAYAPRAKASHBABU JAI/BOHOTRENDZ/FEI CAI/BIOS COLOR PACKING COMPANY LTD./Raquel Moya/Almoatasembellah Ahmed/Market Share/Romi Sahoo/Bkgraphy/Domain Admin/HugeDomains.com/Kate Spade, LLC/ Yaominxuan Qiu/Xinyue Ye/Ireneusz Bachurski/Ireneusz Bachurski Przedsiębiorstwo INFO-BI/stephen zhang/Fang tao/cheng ying min/Name.com Name.com /Name.com/David Czincz (“Respondent”), China.

REGISTRAR AND DISPUTED DOMAIN NAMES

The domain names at issue are <ewefashion.com>, <gowefashion.online>, <iwefashions.com>, <swefashion.com>, <swefashion.net>, <wefashion.biz>, <wefashion.online>, <wefashion.org>, <we-fashion.shop>, <wefashion.xyz>, <wefashion21.com>, <wefashionagency.com>, <wefashionfr.com>.

<wefashiongo.com>, <wefashiongroup.com>, <wefashion-group.info>, <wefashion-group.net>, <wefashion-group.org>, <wefashionista.com>, <wefashionize.com>, <wefashions.com>, <wefashions.shop>, <wefashionss.com>, <wefashionstore.com>, <wefashionstreet.com>, <wefashiontrends.com>, <wefashionyou.com>, <wewefashion.com>, <youwefashion.com>, <wefashionable.com>, <wefashion-group.com> and <wefashion-nl.shop>, registered with Turncommerce, Inc. Db Namebright.Com; Tucows Domains Inc.; Godaddy.Com, Llc; Safenames Ltd.; Ascio Technologies, Inc. Danmark – Filial Af Ascio Technologies, Inc. Usa; Network Solutions, Llc; Dynadot Inc; Cv. Jogjacamp; Namecheap, Inc.; Name.Com, Inc.; Alibaba Cloud Computing (Beijing) Co., Ltd.; Names Stop Here Llc; Wix.Com Ltd.; Key-Systems Gmbh; Pdr Ltd. D/B/A Publicdomainregistry.Com; Sav.Com, Llc; Ddd Technology Pte. Ltd.; and Ddd Technology Pte.Ltd.

PANEL

The undersigned certifies that he has acted independently and impartially and to the best of his knowledge has no known conflict in serving as Panelist in this proceeding.

David L. Kreider, Chartered Arbitrator, as Panelist.

PROCEDURAL HISTORY

Complainant submitted a Complaint to FORUM electronically on September 12, 2023; FORUM received payment on September 12, 2023.

Between September 12, 2023 and September 15, 2023, Turncommerce, Inc. Db Namebright.Com; Tucows Domains Inc.; Godaddy.Com, Llc; Safenames Ltd.; Ascio Technologies, Inc. Danmark – Filial Af Ascio Technologies, Inc. Usa; Network Solutions, Llc; Dynadot Inc; Cv. Jogjacamp; Namecheap, Inc.; Name.Com, Inc.; Alibaba Cloud Computing (Beijing) Co., Ltd.; Names Stop Here Llc; Wix.Com Ltd.; Key-Systems Gmbh; Pdr Ltd. D/B/A Publicdomainregistry.Com; Sav.Com, Llc; Ddd Technology Pte. Ltd.;, Ddd Technology Pte.Ltd. each confirmed by e-mail

to FORUM that the <ewefashion.com>, <gowefashion.online>, <iwefashions.com>, <swefashion.com>, <swefashion.net>, <wefashion.biz>, <wefashion.online>, <wefashion.org>, <we-fashion.shop>, <wefashion.xyz>, <wefashion21.com>, <wefashionagency.com>, <wefashionfr.com>, <wefashiongo.com>, <wefashiongroup.com>, <wefashion-group.info>, <wefashion-group.net>, <wefashion-group.org>, <wefashionista.com>, <wefashionize.com>, <wefashions.com>, <wefashions.shop>, <wefashionss.com>, <wefashionstore.com>, <wefashionstreet.com>, <wefashiontrends.com>, <wefashionyou.com>, <wewefashion.com>, <youwefashion.com>, <wefashionable.com>, <wefashion-group.com> and <wefashion-nl.shop> domain names are registered with one of the above-listed Registrars and that Respondent is the current registrant of the names. Each Registrar has verified that Respondent is bound by the Registrar's registration agreement and has thereby agreed to resolve domain disputes brought by third parties in accordance with ICANN's Uniform Domain Name Dispute Resolution Policy (the "Policy").

On October 23, 2023, FORUM served the Complaint and all Annexes, including a Chinese and English Written Notice of the Complaint, setting a deadline of November 13, 2023 by which Respondent could file a Response to the Complaint, via e-mail to all entities and persons listed on Respondent's registration as technical, administrative, and billing contacts, and to postmaster@ewefashion.com, postmaster@gowefashion.online, postmaster@iwefashions.com, postmaster@swefashion.com, postmaster@swefashion.net, postmaster@wefashion.biz, postmaster@wefashion.online, postmaster@wefashion.org, postmaster@we-fashion.shop, postmaster@wefashion.xyz, postmaster@wefashion21.com, postmaster@wefashionagency.com, postmaster@wefashionfr.com, postmaster@wefashiongo.com, postmaster@wefashiongroup.com, postmaster@wefashion-group.info, postmaster@wefashion-group.net, postmaster@wefashion-group.org, postmaster@wefashionista.com, postmaster@wefashionize.com, postmaster@wefashions.com,

postmaster@wefashions.shop, postmaster@wefashionss.com, postmaster@wefashionstore.com, postmaster@wefashionstreet.com, postmaster@wefashiontrends.com, postmaster@wefashionyou.com, postmaster@wewefashion.com, postmaster@youwefashion.com, postmaster@wefashionable.com, postmaster@wefashion-group.com, and postmaster@wefashion-nl.shop. Also on October 23, 2023, the Chinese and English Written Notice of the Complaint, notifying Respondent of the e-mail addresses served and the deadline for a Response, was transmitted to Respondent via post and fax, to all entities and persons listed on Respondent's registration as technical, administrative and billing contacts.

A timely Response was received from Fang Tao (方涛) / Jia Jiange, completed in Chinese within the standard English form of UDRP Response, and determined to be complete on November 10, 2023.

An email in the nature of a Response was received on November 1, 2023, from HugeDomains.com. That is, on November 1, 2023, HugeDomains.com, as the owner of a single domain, objected that it has no affiliation with any of the other entities or domain names listed and further asserted that one complaint cannot be served upon multiple Respondents under the UDRP Rules. HugeDomain's email falls far short of the requirements of Rule 5(a) of FORUM's Supplemental Rules and will not be considered by the Panel as constituting a Response in these proceedings or receive further consideration by this Panel.

On November 11, 2023, pursuant to Complainant's request to have the dispute decided by a single-member Panel, FORUM appointed David L. Kreider as Panelist.

Having reviewed the communications records, the Administrative Panel (the "Panel") finds that FORUM has discharged its responsibility under Paragraph 2(a) of the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules") "to employ reasonably available means calculated to

achieve actual notice to Respondent" through submission of Electronic and Written Notices, as defined in Rule 1 and Rule 2.

RELIEF SOUGHT

Complainant requests that the disputed domain names (the "Domain Names") be cancelled.

PRELIMINARY ISSUE: LANGUAGE OF THE PROCEEDING

According to the Registrar, the registration agreement for the Domain Name <wefashiongroup.com> is written in Chinese. This is significant, as the Respondent, Fang Tao (方涛) / Jia Jiange, of Shanghai, China, submitted a Response in these proceedings in connection with that same Domain Name.

The Complainant asserts it would be fair that English be adopted as the language of these administrative proceedings, as most registration agreements of the concerned registrars are in English, and that there are reasonable reasons to believe that all Registrants are aliases of one Registrant in any event. The Complainant additionally notes: (1) that all the disputed domain names (the "Domain Names") feature the English words "we fashion", and (2) Domain Names 12, 18 and 19 add the additional English terms: "go", "shop" and "group", thereby suggesting that the Respondent is proficient in English.

The Respondent, Fang Tao / Jia Jiange, however, asserts that because the registration agreement used by the Registrar of the <wefashiongroup.com> Domain Name, Alibaba Cloud Computing, is written in Chinese and the Respondent is also Chinese, the Respondent is entitled to require that Chinese be adopted as the language of these proceedings.

Rule 11(a) provides that the language of the proceedings is the language of the registration agreement, subject to the authority of the Panel to

determine otherwise, having regard to the circumstances of the case. Complainant filed its Complaint in English and argues that the proceedings should be conducted in English. It is established practice to take UDRP Rules 10(b) and (c) into consideration for the purpose of determining the language of the proceeding to ensure fairness and justice to all parties. Factors which previous panels have seen as important include evidence showing that the respondent can understand the language of the complaint, the language of the domain name, the content on any web pages resolving from the domain name, prior correspondence between the parties, and potential unfairness or unwarranted delay in ordering translation of the pleadings and the Decision. See *Fair Isaac Corporation v. AKPOVO Chidiac*, FA 2034648 (FORUM Apr. 12, 2023) (finding panel has discretion to conduct proceedings in English contrary to registration agreement given evidence that respondent understands the language). See also, *Maxim Integrated Products, Inc. v. wang xing xing*, FA 2035248 (FORUM Apr. 11, 2023) (“Respondent ... advertise its products and services in English, and the resolving website asks in English for potential customers to contact Respondent directly....”); *United Parcel Service of America, Inc. v. MEHKMET ISYAN AYIRKAN*, FA 2035819 (FORUM Apr. 11, 2023) (“Factors ... seen as particularly compelling are: WHOIS information which establishes Respondent in a country which would demonstrate familiarity with the English language, filing of a trademark registration with an entity which shows an understanding of the English language, and any evidence (or lack thereof) exhibiting Respondent’s understanding of the ... language included in the Registration Agreement.”); *POC Sweden AB d/b/a POC North America v. Ma Fanghua*, FA 2034043 (FORUM Apr. 4, 2023) (“The Domain Name contains an English word, resolves to a website (“Respondent’s Website”) which is entirely in English and contains material copied from Complainant’s English–language website.”).

As will be explained more fully below, the Complainant alleges that the Respondent, Fang Tao / Jia Jiange, effectively controls each of the Domain Names at issue. Reference hereinafter to “the Respondent” must

accordingly be taken as referring to the Respondent, Fang Tao / Jia Jiange, unless otherwise specified.

Notwithstanding that the Respondent is Chinese and has requested that Chinese be the language of these administrative proceedings, as the Complainant has requested the use of English, and none of the many interested third parties to these proceedings has requested otherwise, English will be the language of these proceedings.

The Panel hastens to observe that the several email addresses used or referenced by the Respondent in the Response and annexures @suntchi.com, resolve to a website at URL www.suntchi.com. The home page of that website reads in both English and Chinese:

“Founded in 2008, Suntchi is China’s leading fashion, lifestyle and entertainment company, and the strategic partner of the Council of Fashion Designers of America, Inc (CFDA) in China as well as an official partner of New York Fashion Week: The Shows and NYFW: Mens. Suntchi’s main business includes fashion brand management, Fashion Exchange, global fashion & lifestyle events, etc. Suntchi is headquartered in Shanghai, and has offices in New York, Tokyo”.

Given the Respondent’s affiliation with international fashion and brands company “Suntchi”, as well as the other reasons urged by the Complainant, the Panel concludes that the Respondent is conversant in English, or has access to resources and assistance such that the use of English presents no unfairness to the Respondent. The use of English will promote economy and efficiency for the Complainant and others interest in these proceedings.

PRELIMINARY ISSUE: MULTIPLE RESPONDENTS

Complainant alleges that the entities which control the domain names at issue are effectively controlled by the same person and/or entity, which is

operating under several aliases. Paragraph 3(c) of the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”) provides that a “complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.”

Under FORUM Supplemental Rule 4(c), the Panel must determine which domain names are commonly owned and elect which single Respondent to proceed against, as a UDRP decision can proceed against only one Respondent. The Panel is then required to dismiss the Complaint in relation to the domain names not commonly owned by the chosen Respondent.

The Complainant alleges that all the above identified registrants are aliases of a single, controlling Respondent, Fang Tao (方涛) / Jia Jiange, of China. It observes that the Domain Names are similarly constructed as each contains the Complainant’s WE FASHION trademark and includes either a generic/descriptive word or additional letter(s) or a geographical indication.

A number of the Domain Names are registered with the same Registrar and the URLs to which several websites to which the Domain Names resolve are substantially similar. Thus, the Complainant contends, the Domain Names appear to be related to, or controlled by, the same person, persons, or entity.

The Complainant additionally asserts that the Domain Name Registrants must be treated as a single entity for the following reasons:

All the Domain Names mainly consist of the Complainant’s registered “WE FASHION” mark. Domain Names 2, 4, 6, 7, 26, and 27 are identically constructed: WEFASHION + 1 added letter; Domain Names, 3, 18, 28 and 34 are identically constructed: “WEFASHION + 2 added letters; Domain Names 15, 19, 20, 22, 29, 30, 31, 32, 33, 34, and 35 are identically constructed: WEFASHION + descriptive/generic words; Domain Names 8,

10, 11, and 12 are identically constructed: WEFASHION + new gTLDs (top-level domains); Domain Names 17 and 25 are identically constructed: WEFASHION + country code reference; Domain Names 19 to 22 and 37 are identically constructed: WEFASHION+GROUP and only differ with the addition of a hyphen and a different gTLDs and have the same registration date: 19/04/17; Domain names 20, 21, 22, and 37 have been registered in the name of the same person, on the same date (April 19, 2017) and share the same registrar with Domain Names 4, 10, 11, 15, 24, 29, 34, 35, and 36; Domain Names 12, 18 and 19 share the same Registrar; Despite different registrants and registrars, Domain Names 3, 4, 8 have been registered in a nearly identical time frame, over a period of only 43 days (Sept. 6, 2020; Oct.9 and 19, 2020); Domain Names 3 and 23 share the same Registrar; Domain Names 2, 10, 13, 14, 15, 17, 24, 26, 27, 29, and 31 have all been registered in 2022, among which despite different registrants and registrars Domain Names 26, 27 and 31 have been registered consecutively on November 4, 6 and 13, 2022; Domain Names 12, 25 and 28 have been registered in 2023, and 12 and 28 have been registered both in July.

Finally, the Complainant alleges all the above Registrant information likely refers to fictitious persons, as the Complainant was unable to identify any individual(s) responding to the above names.

In addition to the above, the Panel observes that the “group” Domain Name <wefashiongroup.com>, suggestive of the lead company within a corporate group, lists the Respondent, Fang Tao / Jia Jiange, as Registrant, while the purported Registrant of the other “group” Domain Names <wefashiongroup.com>; <wefashion-group.net>; <wefashion-group.info>; <wefashion-group.com>; is a blatant fiction, listed as “[Helpdesk Switzerland](http://HelpdeskSwitzerland)”), with the word “help” misspelled wherever it appears. The same street address in Geneva is given for each, and contact email addresses are uniformly shown as Helpdesk.Switzerland@webcorgroup.com, with “help” correctly spelled. The URL www.webcorgroup.com resolved to the website of a company

specializing in providing agricultural supplies to Africa. Finally, the Registrant of “group” Domain Name <wefashion-group.org> is hidden by a proxy or privacy service. All of the aforementioned “group” Domain Names are registered with the same registrar, GoDaddy.

Against the above background, the Panel finds that the Complainant has made out a *prima facie* case that the Domain Names are related to, or controlled by, the same person, persons, or entity, to wit: the Respondent.

PARTIES' CONTENTIONS

A. Complainant

The Complainant, Trend Fin B.V., is the exclusive owner of the WE Trademarks registered and used throughout the world since 1962, notably for clothing and fashion accessories. The Complainant’s “WE FASHION” logos and marks (the “Marks”) were registered at least as early as 1997. WE stores and trademarks are well known among the public and have acquired a valuable reputation in the European Union and Switzerland. Apart from the 148 physical WE stores, customers can also purchase WE branded fashion products online. For this purpose, WE Group runs the international website www.wefashion.com, as well as various local ones such as www.wefashion.de; www.wefashion.fr; www.wefashion.be; www.wefashion.at; www.wefashion.ch; and www.wefashion.nl.

The Complainant contends that previous panels have found that the first limb of the policy was satisfied when the disputed domain names were identical to the complainant’s trademark to which it was “merely added a generic top-level domain”. Moreover, panels have explained that “the gTLD can either be disregarded since it is an essential part of any domain name, or in particular cases, the gTLD, “.store”, can be seen as exacerbating the likelihood of confusion, given the nature of Complainant’s business” (see *Sisco Textiles N.V. v. Lbcsh Rvzio / Ssj Ssj /*

Ufafe Ufafe / Vhcyu Hged / Bds Bds – Claim Number:
FA2210002014749 – Dated: November 20, 2022).

Here, Domain Names 8 to 13 incorporate the Complainant’s Marks and only differ by their respective gTLDs : “.biz”; “.net”; “.online”; “.org”; “.shop”; “.store”; “.xyz”. Based on the decisions cited above, most of these gTLDs shall be seen as essential part of the domain names and do not create any significant distinction. Worse, the Complainant believes that “.online”; “.shop”; “.store” gTLDs exacerbate the risk of confusion considering the Complainant’s business activity and the fact that the Complainant is also selling its products online.

Domain Names 17 <wefashionfr.com> and 25 <wefashion-nl.shop > wholly incorporate the Complainant’s WE FASHION Marks and only differ by the adjunction of geographical indications and a hyphen as well as a gTLD. The Respondent uses country codes which obviously refer respectively to France and the Netherlands, where the Complainant is actively distributing its products. Furthermore, the choice of using the “nl” reference exacerbates the risk of confusion as the headquarter of the Complainant is located in the Netherlands and the use of the word “group” after the Complainant’s trademark clearly aims at misleading the public who falsely associate the Contested Domain Names 19 to 22 and 37 with the Complainant.

All remaining Domain Names also fully incorporates the WE FASHION Marks and only differ by their gTLDs and a small alteration which the Complainant believes to be insufficient to avoid a finding of confusing similarity under Policy ¶ 4(a)(i).

The Complainant never assigned, granted, licensed, sold, transferred, or authorized the Respondent to register or use any of the We Fashion Trademarks. The Complainant affirms that there is no relationship between Trend Fin B.V. or its affiliated companies and the Respondent, which would entitle the Respondent to use its trademarks.

The Respondent does not appear to be known by any of the Domain Names or have any current trademark rights in such names. The names of the underlying domain name holders, as disclosed by the Registrars, do not provide any indication that Respondent might be commonly known by any of the Domain Names. Moreover, it is extremely unlikely that the Respondents would be known by any of these domain names, given that the Complainant has been holding rights in its trademarks for decades. Furthermore, the Respondent has never used or made preparation to use the disputed domain names in connection with a *bona fide* offering of goods and/or services.

Domain Names 2, 3, 4, 6, 8, 10, 11, 12, 13, 15, , 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 29, 31, 34 and 35 are parked pages with pay-per-click links with for most direct relation to the Complainant's business, or resolve to pages showing an error message. The Complainant therefore asserts that the said should be considered as evidence of the lack of the Respondent rights and legitimate interests to the Domain Names. The Complainant is concerned lest these Domain Names be used in the future to display counterfeit versions of its websites, as has been the case in the past (- see for instance *TREND FIN B.V v. REDACTED FOR PRIVACY* - Claim Number: FA2208002010373 - Dated: September 21, 2022).

Finally, the Respondent uses the confusingly similar <swefashion.com>, <wefashion21.com>, <wefashionize.com>, <wefashiontrends.com>, <wefashionyou.com>, <wefashionable.com > and <wefashion-group.com > Domain Names to divert Internet users who erroneously associate the Domain Names with the Complainant's to redirect them to websites controlled by Respondent, offering either directly competing clothing products or links to products that compete with the Complainant's products and/or may additionally tarnish Complainant's trademark. As previously established by numerous panels, such use does not constitute a *bona fide* offering of goods or services under Policy ¶ 4(c)(i), nor a legitimate noncommercial or fair use under Policy ¶ 4(c)(iii).

(See – *Swisher International, Inc. v. Peter Malandrinos* – Claim Number: FA2011001921143 – Dated: December 28, 2020 and *Ripple Labs Inc. v. NGYEN NGOC PHUONG THAO*, FA 1741737 – FORUM Aug. 21, 2017).

B. Respondent

The Respondent, Fang Tao argues, in relation to the <**wefashiongroup.com**> Domain Name, that the Claimant has no trademark rights under Chinese law, noting that the Domain Name was registered on July 17, 2015, and that the Claimant has not shown any registration approved by the China Trademark Office for the words we fashion or wefashiongroup or that it was issued a trademark registration certificate or other proof of registration by the China Trademark Office. As Chinese law affords protection only for registered marks, the Respondent asserts, accordingly, the Complainant cannot prove that it had rights in the Marks at the time of registration of the Domain Name.

The Complaint alleges that the Domain Name wefashiongroup is a combination of three common English words and that the use the words wefashiongroup or wefashion does not originate with and is not unique or exclusive to the Complainant. At the time of registration, the Respondent had not heard of the Complainant company, nor has the Complainant presented hard evidence of any brand recognition as WE FASHION within the channels of society in China. Thus, a reasonable person would not find the Domain Names identical or confusingly similar to the Complainant's alleged trademark.

The Respondent asserts it duly purchased for value and registered the Domain Names in accordance with the registrar's requirements and has used them to the present time and enjoys full authority and legal rights in the Domain Name. The Respondent avers it has reason to believe the Complainant intends to usurp the WE FASHION Domain Name and is abusing the UDRP process, using these arbitration proceedings in bad faith for the purpose of Reverse Domain Name Hijacking.

The Respondent registered the Domain Names to establish a company and for a personal website, but due to technological and capital reasons, has not utilized the names thus far, but avers this is not a reason to find bad faith registration or use. Many domain names are registered but will not be used immediately. In fact, many domain names in the world (including those registered by many companies and individuals) have been registered for a long time before being put into use. Moreover, the Respondent has never sought to sell, rent, or transfer domains to the Complainant or its competitors, and has never has any intention of disrupting the Complainant's business activities.

In summary, the Respondent argues, it created the Domain Names, and although has not actively used them for the time being but has always planned to do so. The Respondent enjoys lawful rights in the Domain Names and did not in any way act in bad faith in their registration and use. Clearly knowing it had no reasonable grounds or justification, the Complainant nonetheless instituted these arbitration proceedings, abused the process, engaging in arbitration in bad faith, and committing Reverse Domain Name Hijacking.

FINDINGS

The Complainant distributes its fashion products via 148 brick-and-mortar stores located in the Netherlands and elsewhere, also, since as early as 1962, on the Internet via its primary website at URL www.wefashion.com. The Complainant alleges its concern that the Domain Names are being held in order to be used to display counterfeiting versions of its official websites and seeks by these UDRP proceedings an order that the Domain Names be cancelled.

The Respondent alone was the sole Registrant (or purported Registrant) to submit a Response in these UDRP proceedings in connection with any of the Domain Names.

The Respondent is *currently* using the <swefashion.com>, <wefashion21.com>, <wefashionize.com>, <wefashiontrends.com>, <wefashionyou.com>, <wefashionable.com> and <wefashion-group.com> Domain Names to divert Internet users who erroneously associate the Domain Names with the Complainant's to websites controlled by Respondent offering either directly competing clothing products or links to products that compete with the Complainant's products.

Significantly, the Panel notes that the Respondent's email communications with FORUM originate from the address @suntchi.com, and that "Suntchi" purports to be a Chinese brand management company. Suntchi maintains a dual Chinese and English language website at URL www.suntchi.com offering fashion and clothing products, describing itself as:

"A Glocal Fashion and Lifestyle Company" (in Chinese, "一家全球本地化的时尚和生活方式公司"). "Suntchi's main business includes fashion brand management, Fashion Exchange, global fashion & lifestyle events, etc. Suntchi is headquartered in Shanghai, and has offices in New York, Tokyo". (The Panel understands that "Glocal" (in Chinese, "全球本地化的") is defined as "reflecting or characterized by both local and global considerations").

The Respondent offers no reasonable reason, or indeed, any reason whatsoever, for its use of the <wefashiongroup.com> Domain Name, long after the Complainant commenced use in commerce of its registered WEFASHION Mark, nor does the Respondent explain its connection or relationship with Suntchi, an apparent competitor of the Complainant.

On a balance of probabilities, the Panel finds that the Respondent was aware of the Complainant when it registered the Domain Name(s) and proactively targeted the Complainant's business. The Respondent

exercises effective control over all the Domain Names, which in bad faith it registered and uses to compete with the Complainant, or “parks” for future use to interfere or compete with the Complainant’s business.

DISCUSSION

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Paragraph 4(a) of the Policy requires that Complainant must prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

the domain name registered by Respondent is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and

Respondent has no rights or legitimate interests in respect of the domain name; and

the domain name has been registered and is being used in bad faith.

Identical and/or Confusingly Similar

The Complainant satisfied the first limb of the policy, which has been described by panels as a relatively low-threshold “standing” requirement, as the Domain Names are either identical to the Complainant’s Mark or add a generic top-level domain or other minor features which do not distinguish the Domain Name(s) from the Mark.

The Panel finds the first element at Policy Paragraph 4(a)(i) is satisfied.

Rights or Legitimate Interests

The Complainant has established *prima facie* that the Respondent's use of the Mark was never authorized and that the Respondent has never been known by the Mark. Once this is done, pursuant to accepted UDRP practice, the burden of coming forward with evidence of rights or legitimate interests in the Domain Name(s) shifts to the Respondent.

Additionally, Complainant argues that Respondent does not use the disputed domain for any bona fide offering of goods or services or legitimate noncommercial or fair use as Respondent uses the domain to redirect users to Respondent's own website where it offers competing goods that are identical to those offered by Complainant. Use of a disputed domain name to divert users and offer competing goods for sale does not constitute a bona fide offering of goods or services or legitimate noncommercial or fair use under Policy ¶¶ 4(c)(i) or (iii). See *Invesco Ltd. v. Premanshu Rana*, FA 1733167 (FORUM July 10, 2017) ("Use of a domain name to divert Internet users to a competing website is not a bona fide offering of goods or services or a legitimate noncommercial or fair use."); see also *General Motors LLC v. MIKE LEE*, FA 1659965 (FORUM Mar. 10, 2016) (finding that "use of a domain to sell products and/or services that compete directly with a complainant's business does not constitute a *bona fide* offering of goods or services pursuant to Policy ¶ 4(c)(i) or a legitimate noncommercial or fair use pursuant to Policy ¶ 4(c)(iii).").

The Complainant has provided screenshots showing prior to the commencement of these proceedings certain of the Disputed Domains forwarded users to websites offering clothing and fashion products identical to those Complainant offers under its WEFASHION Mark.

The Panel finds that Respondent has not provided evidence it is using, or is actively preparing to use, any of the Domain Names which it controls, for a *bona fide* offering of goods or services under Policy ¶ 4(c)(i) or a legitimate noncommercial or fair use under Policy ¶ 4(c)(iii).

The Panel finds the second element at Policy Paragraph 4(a)(ii) is satisfied.

Registration and Use in Bad Faith

For the reasons explained above, the Panel finds that the Respondent was aware of the Complainant when it registered the Domain Name(s) and that it proactively targeted the Complainant's business. The Respondent exercises effective control over all the Domain Names, which in bad faith it registered and uses to compete with the Complainant, or "parks" for future use to interfere or compete with the Complainant's business.

The Panel finds the third element at Policy Paragraph 4(a)(iii) is satisfied.

Reverse Domain Name Hijacking (RDNH)

The Panel finds the Respondent's allegations of Reverse Domain Name Hijacking by the Complainant to be completely without basis and of no merit.

DECISION

The Complainant having established all three elements required under the ICANN Policy, the Panel concludes that relief shall be GRANTED.

Accordingly, it is Ordered that the <ewefashion.com>, <gowefashion.online>, <iwefashions.com>, <swefashion.com>, <swefashion.net>, <wefashion.biz>, <wefashion.online>, <wefashion.org>, <we-fashion.shop>, <wefashion.xyz>, <wefashion21.com>, <wefashionagency.com>, <wefashionfr.com>, <wefashiongo.com>, <wefashiongroup.com>, <wefashion-group.info>, <wefashion-group.net>, <wefashion-group.org>, <wefashionista.com>, <wefashionize.com>, <wefashions.com>, <wefashions.shop>, <wefashionss.com>, <wefashionstore.com>, <wefashionstreet.com>,

<wefashiontrends.com>, <wefashionyou.com>, <wewefashion.com>, <youwefashion.com>, <wefashionable.com>, <wefashion-group.com> and <wefashion-nl.shop> domain names be CANCELLED.

A handwritten signature in black ink, appearing to read 'D. Kreider', is positioned above a solid horizontal line.

David L. Kreider, Esq.
Panelist

David L. Kreider, Panelist
Dated: November 17, 2023