



Asian Domain Name Dispute Resolution Centre

beijing

ADMINISTRATIVE PANEL DECISION

Case No. CN-2201510

Complainant: SOLUTIA SINGAPORE PTE. LTD

Respondent: Wei Gu Zhang

Domain Name: v-kool.one

Registrar: GoDaddy.com, LLC

1. Procedural History

On 10 November 2022, the Complainant submitted a Complaint in English to the Beijing Office of the Asian Domain Name Dispute Resolution Center (the ADNDRC Beijing Office) and elected this case to be dealt with by a one-person panel, in accordance with the Uniform Domain Name Dispute Resolution Policy (the Policy) and the Rules for Uniform Domain Name Dispute Resolution Policy (the Rules) approved by the Internet Corporation for Assigned Names and Numbers (ICANN), and the ADNDRC Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the ADNDRC Supplemental Rules) approved by the ADNDRC.

On 14 November 2022, the ADNDRC Beijing Office sent to the Complainant by email an acknowledgement of the receipt of the Complaint and transmitted by email to ICANN and the Registrar, GoDaddy.com, LLC, a request for registrar verification in connection with the disputed domain name.

On 15 November 2022, the Registrar transmitted by email to the ADNDRC Beijing Office its verification response, confirming that the Respondent is listed as the registrant and providing the contact details. After receiving the Registrar's confirmation, the ADNDRC Beijing Office invited the Complainant to revise the Complaint accordingly.

On 18 November 2022, the Complainant submitted the revised Complaint to the ADNDRC Beijing Office.

On 21 November 2022, the ADNDRC notified the Complainant that the Complaint has been confirmed and transmitted to the Respondent and the case officially commenced. On the same day, the ADNDRC Beijing Office transmitted the Written Notice of the

Complaint to the Respondent, which informed that the Complainant had filed a Complaint against the disputed domain name and the ADNDRC Beijing Office had sent the Complaint and its attachments through email according to the Rules and the Supplemental Rules. On the same day, the ADNDRC Beijing Office notified ICANN and the Registrar, GoDaddy.com, LLC, of the commencement of the proceedings.

The Respondent failed to submit a Response within the specified time period. The ADNDRC Beijing Office notified the Respondent's default. Since the Respondent did not mention the Panel selection in accordance with the time specified in the Rules, the ADNDRC Supplemental Rules, and the Notification, the ADNDRC Beijing Office informed the Complainant and the Respondent that the ADNDRC Beijing Office would appoint a one-person panel to proceed to render the decision.

Having received a Declaration of Impartiality and Independence and a Statement of Acceptance from Dr. Kun Fan, the ADNDRC Beijing Office notified the parties on 19 December 2022 that the Panel in this case had been selected, with Dr. Kun Fan acting as the sole panelist. The Panel determines that the appointment was made in accordance with Paragraph 6 of the Rules and Articles 8 and 9 of the Supplemental Rules.

On 22 December 2022, the Panel received the file from the ADNDRC Beijing Office and should render the Decision within 14 days, i.e., on or before 5 January 2023.

Pursuant to Paragraph 11 (a) of the Rules, unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding. The language of the current disputed domain name Registration Agreement is English, thus the Panel determines English as the language of the proceedings.

2. Factual Background

A. The Complainant

The Complainant in this case is SOLUTIA SINGAPORE PTE. LTD. The registered address is 9 NORTH BUONA VISTA DRIVE, #05-01 THE METROPOLIS TOWER 1, SINGAPORE. The authorized representative in this case is CHEN Beiyin and LIN Jiazhen of Beijing Wanhuida (Guangzhou) Law Firm.

B. The Respondent

The Respondent in this case is Wei Gu Zhang. The registered address is Sha Men Hu Li An Dou 522Hao, Sha Men, Fujian Province, China.

The Respondent is the current registrant of the disputed domain name <v-kool.one>.

which was registered on 26 April 2021 according to the WHOIS information. The registrar of the disputed domain name is GoDaddy.com, LLC.

3. Parties' Contentions





A. The Complainant

(1) The identifying part in the disputed domain name <v-kool.one> is confusingly similar to the trademark "V-KOOL" in which the Complainant enjoys prior interests and rights.

a. The Complainant contends that it enjoys prior interests and rights in registered trademarks "V-KOOL" and "威固".

V-KOOL/威固 is a world-famous brand of thermal insulation window film. It is the first (and also the only) spectral screening glass film in the world. The manufacturer, Southwall Technology, granted V-KOOL International Private Limited the relevant patent rights. In 1994, the V-KOOL/威固 brand was officially launched to the market. In 2010, the Complainant acquired Southwall Technology and became the holder of V-KOOL/威固 brand. In 2011, the Complainant fully obtained the right to use "V-KOOL" and "威固" series of registered trademarks.

The Complainant's "V-KOOL" and "威固" series of trademarks on the goods/services in Class 17 and Class 37 were approved for registration in China much earlier than the date when the Respondent registered the disputed domain name (26 April 2021). The Complainant enjoys undisputed prior trademark rights in registered trademarks "V-KOOL" and "威固". Part of the Complainant's registration in China is summarized as follow:

TM No.	Mark	App Date	Class	Goods/Services
108764 6		1996/05/ 28	17	Filter material (semi processed foam rubber or plastic film); Heat radiation resistant plastic compound; Plastic film for non packaging; Plastic film for non packaging; Semi processed plastic materials.
789587 4		2009/12/ 08	17	Semi processed foam or plastic membrane filter materials; Heat radiation resistant plastic compound; Plastic film for non packaging; Semi processed plastic substances.
406174 4		2004/05/ 13	35	Selling (for others); Import and export agent.
145454 71		2014/05/ 20	37	Installation, maintenance and repair of vehicle parts, etc.

b. The Complainant argues that its "V-KOOL" series of trademarks have gained high popularity through continuous and extensive publicity and use in China.

In 1996, the "V-KOOL" brand started to enter the Chinese market, and after more than

20 years of management, the distribution network of the “V-KOOL” brand in China has spread to 31 provinces and autonomous regions, with more than 200 franchised stores and more than 1000 quality dealers. In order to promote the development of the Complainant’s brand, the Complainant has organized many promotional activities, participated in exhibitions and fairs, and participated in social welfare activities in China, which have enhanced the competitiveness of the Complainant’s brand and established a good reputation for the Complainant.

At the time of the Respondent’s registration of the disputed domain name, the Complainant’s registered trademarks “V-KOOL” and “威固” were already highly known and reputable in the Chinese auto parts market and had been protected by the competent trademark authorities for many times.

c. The Complainant contends that it owns the domain name “V-KOOL” as the main subject.

The Complainant established Solutia International Trading (Shanghai) Co., Ltd. in China to operate the “V-KOOL” series of products, and continued to conduct extensive and extensive advertising, and registered the domain name <v-kool.cn> in 2011, as the official website of the “V-KOOL/威固” brand in the Chinese market, to advertise and promote “V-KOOL” in China. Consumers can visit the website by logging into the domain name to check the online warranty of “V-KOOL/威固” products and check the authorized dealers of “V-KOOL” in China.

The main part of the disputed domain name <v-kool.one> is “v-kool”. “V-KOOL” is a fictional English word created by the Complainant. It was first approved and registered as a trademark by the Trademark Office of the China Intellectual Property Office in 1997. It has been used as the Complainant’s trademark for many years, forming a stable and unique correspondence relationship with the Complainant. “v-kool” is identical to the Complainant’s prior right “V-KOOL” in terms of letters, order, and call, and is a complete copy of the Complainant’s “V-KOOL” registered trademark. According to the domain name registration rules, the letters in the domain name are not case-sensitive. The main part of the disputed domain name, <v-kool.one>, contains the Complainant’s prior registered trademark “V-KOOL”. Therefore, the disputed domain name <v-kool.one> is confusingly similar to the Complainant’s registered trademark “V-KOOL”.

(2) The Respondent does not enjoy any right or interest in the disputed domain name <v-kool.one> and the main part thereof.

The Complainant used the <v-kool.one> as the keyword to conduct a trademark search. The results showed that the Respondent did not apply for a registered trademark with <v-kool.one>. The Complainant has never authorized or licensed the Respondent to use trademarks “V-KOOL” and “威固” or to register any domain name identical with or similar to “V-KOOL”. The disputed domain name <v-kool.one> was

registered on 26 April 2021, much later than the date when the Complainant's "V-KOOL" registered trademark was approved for registration and use in China, and there is no evidence that the disputed domain name has gained a certain degree of popularity. On the contrary, the Complainant's "V-KOOL" registered trademark has been continuously used for many years and has accumulated a high popularity and reputation in the Chinese market.

The Complainant claims that the Respondent does not have any related prior trademark for "v-kool.one", and there is no evidence to show that it has other legitimate prior rights.

(3) The Respondent registered and used the disputed domain name in bad faith.

a. The Respondent was aware of the Complainant's prior rights to the trademark "V-KOOL", and did not pay attention to reasonable avoidance when registering the domain name, with obvious subjective malice to climb the Complainant's goodwill.

From the content of the website of the disputed domain name, it can be seen that the Respondent provides auto film products and is familiar with the Complainant's business operation and products, and is well aware of the commercial value of the brand carried by the "V-KOOL" trademark. The Complainant's "V-KOOL" and "威固" trademarks have become extremely well-known both within the industry and relevant consumers through long-term use, extensive publicity, and media attention and reports. Without the authorization of the Complainant, the Respondent registered and used the domain name containing the Complainant's registered trademark "V-KOOL", with the intention of obviously attaching to the Complainant's business reputation and misleading the general public.

b. The Respondent registered the disputed domain name and created a website that imitated the Complainant's on-line shop and warranty inquiry system in bad faith, and by confusing the difference from the Complainant, attract users to visit its website to seek commercial interests and disrupted the Complainant's normal business activity.

From the content of the disputed domain name website, it can be seen that the Respondent prominently used the Complainant's registered trademark "V-KOOL" in many places on the website, and fraudulently used the corporate information, contact information and ICP record number of the Complainant's subsidiary, Solutia International Trading (Shanghai) Co., Ltd., and provided on-line sale and warranty inquiry services for automotive window films, paint protection films and other products bearing the "V-KOOL/威固" trademarks. The Respondent attempted to deliberately create confusion by imitating the Complainant's official website.

Comparing the website of the disputed domain name and the official website of the Complainant, the overall visual effects of the two are highly similar in terms of the layout, frame content and color matching of the website.

The Complainant contends that the Respondent is very familiar with the Complainant and its “V-KOOL/威固” series of products, and is well aware of the brand value of the “V-KOOL/威固” registered trademark. Therefore, the Respondent maliciously registered the disputed domain name <v-kool.one> by copying and plagiarizing the Complainant’s “V-KOOL” trademark, misleading the relevant public to believe that there was a relationship of goods source or affiliation between the website of the disputed domain name and the Complainant, thereby attracting the users to visit the website of the disputed domain name. The Respondent’s registration and use of the disputed domain name is obviously in bad faith, and it attempts to gain unfair commercial interests by exploiting the Complainant’s “V-KOOL/威固” brand popularity and business reputation, and disrupt the Complainant’s normal business activities. According to the Policy, the registration of the disputed domain name shall be determined as registration out of bad faith.

To sum up, the Complainant argues that the Respondent registered and used the disputed domain name <v-kool.one> in bad faith to induce the users to visit the website of the disputed domain name by creating confusion, clinging to the reputation and business reputation of the Complainant’s registered trademarks “V-KOOL/威固”, which seriously affected the Complainant. This seriously affected the normal operation of the Complainant, and to a certain extent prevented the Complainant from using the “V-KOOL/威固” trademark in the form of a domain name.

Therefore, the Complainant requested the disputed domain name to be transferred to the Complainant.

B. The Respondent

The Respondent did not file a response within the time limit.

4. Discussions and Findings

Paragraph 4(a) of the Policy provides that in order to be entitled to a transfer of the disputed domain name, the Complainant shall prove the following three elements:

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

Paragraph 4(b) of the Policy states that the following circumstances in particular, but without limitation, shall be evidence of registration and use of a domain name in bad faith:

- (i) Circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of documented out-of-pocket costs directly related to the domain name; or
- (ii) The respondent 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 the respondent has engaged in a pattern of such conduct; or
- (iii) The respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) By using the domain name, the respondent has intentionally attempted to attract, for commercial gain, internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location.

A. Identity or Confusing Similarity

According to evidence provided by the Complainant, the Complainant acquired Southwall Technology and became the holder of "V-KOOL" and "威固" series of trademarks in 2010 and fully obtained the right to use "V-KOOL" and "威固" series of registered trademarks in 2011.

The Respondent has not provided contrary evidence. The Panel is satisfied that the Complainant's trademarks "V-KOOL" and "威固" are protected in China prior to the registration of disputed domain name on 26 April 2021.

The distinctive part of the disputed domain name <v-kool.one> is "v-kool". It is identical to the Complainant's registered trademark "V-KOOL".

The Panel considers that, when seeing the disputed domain name, if a potential consumer will reasonably believe the disputed domain name is registered by or closely linked to the trademark holder, then confusing similarity for the first element is established. When considering the aspect of confusing similarity, the Panel needs to take into account several factors. The more distinctive the prior rights are, the more likely it is for the disputed domain name to cause confusing similarity.

In the present case, the Complainant's trademark "V-KOOL" is not a generic English word. It is a fictional English word created by the Complainant. It was first approved and registered as a trademark by the Trademark Office of the China Intellectual Property Office in 1997. It has been used as the Complainant's trademark for many years, forming a stable and unique correspondence relationship with the Complainant.

The Panel therefore finds that the disputed domain name is confusingly similar with

the Complainant's trademark in which the Complainant has civil rights and interests. Accordingly, the first condition of Article 4(a) of the Policy is satisfied.

B. Rights or Legitimate Interests of the Respondent

Where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.

To demonstrate rights or legitimate interests in a domain name, non-exclusive respondent defences under paragraph 4(c) of the Policy include the following:

- (i) before any notice of the dispute, the respondent's 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) the respondent (as an individual, business, or other organization) has been commonly known by the domain name, even if the respondent has acquired no trademark or service mark rights; or
- (iii) the respondent is 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.

In this case, the Complainant argues that the Respondent has no rights or legitimate interests in the disputed domain name because (a) a search result showed that the Respondent did not apply for a registered trademark with <v-kool.one>; (b) the Complainant has never authorized or licensed the Respondent to use trademarks "V-KOOL" and "威固" or to register any domain name identical with or similar to "V-KOOL"; and (c) there is no evidence that the disputed domain name has gained a certain degree of popularity. On the contrary, the Complainant's "V-KOOL" registered trademark has been continuously used for many years and has accumulated a high popularity and reputation in the Chinese market.

The Panel finds that the Complainant has made out a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name, and the burden is shifted on the Respondent to demonstrate its rights or legitimate interests in the disputed domain name under paragraph 4(c) of the Policy. The Respondent has not provided any evidence to prove its rights or legitimate interests in the disputed domain name. The Panel also could not find any rights or legitimate interests under paragraph 4(c) of the Policy.

Accordingly, the second condition of Article 4(a) of the Policy is satisfied.

C. Bad Faith

Under the third condition of Article 4(a) of the Policy, the Complainant must establish that the disputed domain name has been both registered and is being used in bad faith by the Respondent.

The Complainant has produced evidence to demonstrate to the satisfaction of the Panel that the “V-KOOL” trademarks are distinctive and have gained a high reputation in the Chinese market through long-term use, extensive publicity, and media attention and reports. In such circumstances, it is very likely that the disputed domain name has been selected with the Complainant’s brand in mind. It would be an extraordinary coincidence if the Respondent had come up with the disputed domain name independently. Prior panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. The Panel is of the view that the Respondent knew or could not have been unaware of the Complainant’s trademark when registering the disputed domain name. Therefore, the disputed domain name was registered in bad faith.

The Complainant has also produced evidence to demonstrate to the satisfaction of the Panel that the overall visual effects of the disputed domain name used by the Respondent are almost identical to the Complainant’s official website, in terms of the layout, frame content and color matching of the website. In terms of contents of the disputed domain name, the Respondent prominently used Complainant’s registered trademark “V-KOOL” in many places on the website, and fraudulently used the corporate information, contact information and ICP record number of the Complainant’s subsidiary, Solutia International Trading (Shanghai) Co., Ltd., and provided on-line sale and warranty inquiry services for automotive window films, paint protection films and other products bearing the “V-KOOL/威固” trademarks.

The Panel finds that the Respondent’s use of the disputed domain name indicates an intent to create user confusion, so as to attract for commercial gain. It constitutes bad faith use under Paragraph 4(b)(iv) of the Policy, namely, “by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, internet users to its website or other online location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location”.

In light of the above, the Panel finds that the disputed domain name was registered and used in bad faith.

Accordingly, the third condition of Article 4(a) of the Policy is satisfied.

5. Decision

For all the foregoing reasons, all three conditions under paragraph 4(a) of the Policy are satisfied. Therefore, the Panel orders that the disputed domain name <v-kool.one> be transferred to the Complainant, SOLUTIA SINGAPORE PTE. LTD.

Sole Panelist: *Fan Kun*

Dated: 5 January 2023