



Asian Domain Name Dispute Resolution Centre

beijing

ADMINISTRATIVE PANEL DECISION

Case No. CN-2301535

Complainant: ROTHY'S, INC.

Respondent: Web Commerce Communications Limited

Domain Names:

<rothysaustralia.com><rothyscanada.com><rothysdeutschland.com><rothyse
spana.com><rothysfrance.com><rothysireland.com><rothysitalia.com><rothys
malaysia.com><rothysmexico.com><rothysnederland.com><rothysnorge.com>
<rothysnz.com><rothysosterreich.com><rothysportugal.com><rothysphilippin
es.com><rothysschweiz.com><rothyssingapore.com><rothysturkiye.com><rot
hysuae.com><rothysuk.com><rothyshoesusa.com><rothysshoesusa.com><rot
hysshoesuk.com><rothysshoesireland.com><chaussuresrothysfrance.com><s
carperothysitalia.com><rothysskor.com><rothysshoessale.com><rothysshoes
outlet.com> (hereinafter referred to as “<rothysaustralia.com> and other 28
domain names”)

Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED

1. Procedural History

On 22 March 2023, 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 24 March 2023, 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, ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED, a request for registrar verification in connection with the disputed domain name.

On 24 March 2023, 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. On 28 March 2023, the Complaint is confirmed and the

Complainant was requested to revise the submission. On 23 April 2023, the Complainant submitted the revised Complaint.

On 23 April 2023, 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 names and the ADNDRC Beijing Office had sent the complaint and its attachments through email and express mail according to the Rules and the Supplemental Rules. On the same day, the ADNDRC Beijing Office notified ICANN and the Registrar, ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED, 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 Mr. ZHAO Yun, the ADNDRC Beijing Office notified the parties on 16 May 2023 that the Panel in this case had been selected, with Mr. ZHAO Yun 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 16 May 2023, the Panel received the file from the ADNDRC Beijing Office and should render the Decision within 14 days, i.e., on or before 30 May 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 ROTHY'S, INC. The registered address is 501 PACIFIC AVENUE SAN FRANCISCO CA 94133, UNITED STATES. The authorized representative in this case is Kilpatrick Townsend & Stockton Intellectual Property

Agency (Beijing) Co., Ltd.

B. The Respondent

The Respondent in this case is Web Commerce Communications Limited. The registered address is Bukit Jalil, Kuala Lumpur, Malaysia, 57000.

The Respondent is the current registrant of <rothysaustralia.com> and other 28 domain names, which were registered on or after 23 July 2022 according to the WHOIS information. The Registrar of the disputed domain names is ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED.

3. Parties' Contentions

A. The Complainant

1. The Complainant enjoys exclusive trademark rights, trade name rights, and domain name rights to "ROTHY'S", and the mark "ROTHY'S" has acquired high fame worldwide.

The Complainant is an American fashion company founded in 2012 and launched in 2016 by Stephen Hawthornthwaite and Roth Martin. With keen market insights, they discovered a new opportunity in the market: people are paying more attention to sustainable development and environmental protection concepts, but few companies put them into action.

In September 2016, the Complainant released its first two styles directly from its website "rothys.com". In January 2017, the Complainant opened its own factory in Guangzhou, China, which today spans 300,000 square feet. By 2018, the Complainant had sold a million pairs, generating \$140 million in revenue. In 2019, it surpassed 1.4 million customers, a 105% increase from the previous year. In March 2020, the Complainant began selling handbags made with plastic and expanded to a men's category in 2021.

The Complainant uses thread made from plastic bottles to knit its items, and 3D knits its shoes and handbags to shape, cutting waste. In March 2021, the Complainant launched a shoe recycling program, achieving LEED certification at its factory, and reaching carbon neutrality. As of 2022, over 100 million plastic bottles have been repurposed to make their products. Additionally, the Complainant has recycled over 20,000 pairs of shoes.

The Complainant has 16 stores in San Francisco, Washington D.C., Boston, New York City, Los Angeles, Atlanta, Chicago, Scottsdale, Austin, Seattle, and Minneapolis. In December 2021, the Complainant was valued at \$1 billion.

Prior to 23 July 2022, the earliest Creation Date of the disputed domain names, the Complainant has registered the mark "ROTHY'S" worldwide, including but not limited

to the U.S.A., U.K., EU, and China. The registrations for the mark “ROTHY’S” claim a wide range of goods/services in Classes 18, 25, 35, etc.

The Complainant has been using “ROTHY’S” as its trade name since 2017. The Complainant was incorporated in July 2012, and first named “CABH HOLDINGS, LLC”. In 2017, the Complainant rebranded as “ROTHY’S, INC” to reflect their focus on sustainable fashion and their signature product, eco-friendly shoes made from recycled plastic water bottles.

Since the name change, the Complainant has grown rapidly and gained a loyal following of environmentally conscious consumers who appreciate the brand’s commitment to sustainability and ethical manufacturing practices. Today, the Complainant is a well-known brand in the sustainable fashion space, with a range of stylish and comfortable shoes for women and children that are made from recycled materials and designed to reduce waste. Thus, the Complainant enjoys prior trade name right to “ROTHY’S”.

The Complainant registered the domain name “rothys.com” on 28 August 2012, and has been using it as its official website. Meanwhile, the Complainant’s subsidiary in China also registered the domain name “rothys.com.cn” on 6 September 2016, as its Chinese official website, to promote and sell ROTHY’s shoes and other products in China. Thus, the Complainant enjoys prior domain name rights to “ROTHYS”.

The Complainant’s trademark “ROTHY’S” has acquired a high reputation through longstanding and extensive use and promotion worldwide, including the U.S.A., U.K., EU, and China, and is solely linked to the Complainant. Since its founding in San Francisco in 2012, the Complainant has developed a reputation as an innovative footwear company based on a core message of environmental sustainability, and the Complainant’s shoes have become quite popular in America, especially among environmentally conscious consumers.

The U.K. and EU markets are increasingly interested in sustainable and eco-friendly fashion. The Complainant’s commitment to sustainability and eco-friendly materials resonates with environmentally conscious U.K. and EU consumers. The Complainant has actively marketed their products and brand in the U.K. and EU, achieving high visibility for the Complainant’s mark.

An example of the Complainant’s promotional activities in the U.K. and EU is the 2017 launch of “The Pointed Loafer” and “The Loafer”. These shoes were marketed simultaneously through the Complainant’s official website, social media platforms, and the Complainant’s customer mailing list. Customers in the U.K. and EU had immediate access to the Complainant’s official website, marketing emails, and Instagram photos.

The Complainant established its own factories in Guangzhou and Dongguan, China, in 2017. The Dongguan factory now covers an area of approximately 300,000 square

feet and employs over 450 workers. With 260 knitting machines, including 20 exclusively used for product development.

In 2018, the Complainant officially entered the Chinese market by creating a WeChat public account and opening flagship stores on major e-commerce platforms, including Tmall and JD, to promote and sell its shoes. The brand's fashionable product design, comfortable wearing experience, and sustainable and environmentally friendly concept have received positive feedback from Chinese consumers. In six months, the Complainant's Tmall flagship store had already attracted over 800,000 followers.

Furthermore, the Complainant has actively promoted the "ROTHY'S" brand in China. In 2018, the Complainant supported Shanghai New York University's fashion show "Qi Wu Chong Ren," which showcased the brand's sustainability and environmental technology. The Complainant also participated in Shanghai Fashion Week and held an event named "Meet ROTHY'S," which aimed to provide an immersive interactive experience for Chinese consumers to experience the fashionable, elegant, comfortable, convenient, and environmentally friendly lifestyle in San Francisco. Domestic media also has widely reported on the Complainant's brand and products.

Through extensive promotion and use, the Complainant and its "ROTHY'S" trademark have gained a considerable reputation in the Chinese market.

2. The disputed domain names are confusingly similar to the Complainant's prior mark "ROTHY'S".

The 29 disputed domain names can be divided into the following three groups:

First Group: rothys + countries

1. rothysaustralia.com
2. rothyscanada.com
3. rothysdeutschland.com
4. rothysespana.com
5. rothysfrance.com
6. rothysireland.com
7. rothysitalia.com
8. rothysmalaysia.com
9. rothysmexico.com
10. rothysnederland.com
11. rothysnorge.com
12. rothysnz.com

13. rothysosterreich.com (“osterreich” means “Austria” in German)

14. rothysportugal.com

15. rothysphilippines.com

16. rothysschweiz.com

17. rothysingapore.com

18. rothysturkiye.com

19. rothysuae.com

20. rothysuk.com

Second Group: rothys + shoes + countries

21. rothyshoesusa.com

22. rothysshoesusa.com

23. rothysshoesuk.com

24. rothysshoesireland.com

25. chaussuresrothysfrance.com (“chaussures” means shoes in French)

26. scarperothysitalia.com (“scarpe” means shoes in Italian)

Third Group: rothys + shoes + generic terms

27. rothysskor.com (“skor” means shoes in Swedish)

28. rothysshoesale.com

29. rothysshoesoutlet.com

As shown above, all the disputed domain names fully incorporated the Complainant’s highly distinctive and well-known mark “ROTHY’S”. The remaining parts of the disputed domain names are either names/abbreviations of countries (e.g., Australia, Canada, France, Malaysia, Mexico, Singapore, NZ, UAE, UK), or generic terms (“shoes”, “sales”, or “outlets”), or combinations of generic term and country name/abbreviation (“shoes usa”, “shoes uk”, “shoes ireland”). These elements lack distinctiveness, which cannot distinguish the disputed domain names from the Complainant’s prior trademarks. Thus, the disputed domain names are similar to the Complainant’s prior mark “ROTHY’S” in terms of overall appearance and pronunciation, which could lead to confusion among consumers.

Meanwhile, the disputed domain names convey the same meaning as the trademark “ROTHY’S” - that is, shoes sold by the Complainant in specific countries, such as the U.S.A., U.K., etc., or online platforms that sell the “ROTHY’S” brand shoes, which could further contribute to consumer confusion.

Furthermore, all the disputed domain names are associated with the same goods as the trademark “ROTHY’S” - eco-friendly shoes and other fashion products. This creates a strong association between the disputed domain names and the Complainant’s trademarks in the minds of consumers, which could lead them to mistakenly believe that the disputed domain names are associated with the Complainant.

In view of the above, and also considering the high fame of the Complainant’s prior mark “ROTHY’S”, the disputed domain names should be considered confusingly similar to “ROTHY’S” due to their visual, auditory, semantic, and structural similarities, as well as their association with the same goods, the use and registration of the disputed domain names would definitely cause confusion and damage the Complainant’s interests.

3. The Respondent has no rights or legitimate interests in respect of the disputed domain names.

The Respondent has not demonstrated any prior use of the disputed domain names or any registered trademarks or trade names that corresponds to the disputed domain names. The Respondent has not obtained any permission or authorization from the Complainant to use the mark “ROTHY’S” or any similar trademark or trade name in the disputed domain names. This indicates that the Respondent is not using the disputed domain names for a bona fide offering of goods or services, but instead for the purpose of misleading consumers or otherwise taking advantage of the Complainant’s goodwill. There is no evidence that the Respondent has made any active use of the disputed domain names. The disputed domain names contain the Complainant’s trademark in its entirety, with the addition of generic terms. This also creates confusion among consumers and suggests that the Respondent is attempting to trade on the goodwill and reputation of the Complainant’s trademark.

4. The disputed domain names were registered and used in bad faith.

The Complainant’s trademarks have been widely used and promoted in the fashion industry and are well-known among consumers. Therefore, it is highly possible that the Respondent had knowledge of the Complainant’s trademarks and its reputation when registering the disputed domain names. The Respondent registered the disputed domain names with the intention of copying or imitating the Complainant’s prior trade name, trademark, and domain name, and the Respondent’s registration of the disputed domain names should not merely be considered a coincidence.

The Respondent not only used the Complainant’s trademark and trade name without authorization in the disputed domain names, but also copied and imitated the layout and contents of the Complainant’s official website “rothys.com”, making the appearance and content of the websites of the disputed domain names basically identical to those of the Complainant’s official website. In addition, some webpages of

the disputed domain names even recorded the Complainant as the copyright owner in the copyright notices. These all suggest that the Respondent intended to attract internet users to its websites by creating a likelihood of confusion with the Complainant's trademarks and products.

The Respondent registered 29 domain names, far exceeding ordinary business needs. All the disputed domain names contain "ROTHYS" and a country name (and/or a generic term). The webpages of the disputed domain names are confusingly similar to those of the Complainant's website, causing confusion among consumers and leading them to believe that these websites are the Complainant's official websites in specific countries and regions, creating confusion about the source of the products. As previously mentioned, the Complainant's business has not only achieved significant success in the U.S.A., U.K., and China but is also rapidly expanding worldwide. As a fashion brand with a primary focus on online business models, domain names, social media, and other online channels are critical for promoting and selling products. These assets are also invaluable to the Complainant. The Respondent's registration and use of the disputed domain names not only constituted infringement upon the Complainant's IPRs, but also seriously impedes the Complainant's operations and development, creating obstacles for the Complainant to expand into new markets.

The Respondent has no genuine intention to use the disputed domain names and has not sold any genuine ROTHY'S products through the disputed domain names. The Respondent's true purpose for registering the disputed domain names is most likely to steal consumers' financial information (or sell counterfeit products). Taking No. 21 disputed domain name "rothyshoesusa.com" as an example, the detailed analysis is as follows. Firstly, the Respondent has replicated the images and layout of the Complainant's website. However, the information provided on the "shipping info" and "return policy" pages is inadequate and contains grammatical errors, and the "privacy notice" is incomplete. Additionally, the Respondent has not supplied any valid contact information such as a company address, telephone number, or email address. All these factors suggest that the Respondent has no intention to use the disputed domain names to do business. Secondly, despite the disputed domain names' webpages offering various ROTHY'S products at discounts of 47%-78%, there are no sales records or customer reviews for any of the listings, which suggests that the Respondent had unlikely sold any genuine ROTHY'S products, or it only sold knock-off products or no product at all. Thirdly, when the Complainant attempted to register an account on the disputed domain names and purchase ROTHY'S shoes, the website did not require email or phone verification during the registration process. The consumer was required to provide personal information only. After placing an order and entering credit card information, the website redirected to www.yqyzernx.ml, and the order could not be processed any further. Considering that the contents of the disputed domain names are basically the same, we have good reasons to believe that

the Respondent has committed the same or similar acts on the webpages of the remaining disputed domain names. All these facts imply that the Respondent has no intention to conduct legitimate business through the disputed domain names, but instead, is using the website as a front for illicit activities, i.e., stealing financial information or selling counterfeits.

The Respondent is an ICANN-accredited registrar, focusing on wholesale and outsourced domain name registration and other related Internet services for resellers. This suggests that the Respondent does not have any intention to make good faith use of the disputed domain name, and its primary intent was to sell the disputed domain names for profit.

In conclusion, the Respondent registered the disputed domain names, with prior knowledge of the Complainant and its "ROTHY'S" mark, to mislead consumers to believe that the websites of the disputed domain names are connected to, endorsed by, and/or associated with the Complainant and thereby to freeride the reputation of the Complainant. The disputed domain names have obviously been registered and used in bad faith.

The Complainant requests that all disputed domain names be transferred to the Complainant.

B. The Respondent

The Respondent failed to submit a Response within the specified time period.

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

The evidence (US Trademark Registration Certificates for Rothy's in Classes 18, 25, 35; UK Trademark Registration Certificates for Rothy's in Classes 18, 25, 35; EU Trademark Registration Certificates for Rothy's in Classes 25, 35; Singapore Trademark Registration Certificates for Rothy's in Classes 18, 25, 35; China Trademark Registration Certificates for Rothy's in Classes 18, 25, 35) submitted by the Complainant shows that the Complainant successfully registered the trademark "ROTHY'S" in the U.S.A., U.K., EU, Singapore and China. The earliest trademark "ROTHY'S" was registered in the U.S.A. on 19 April 2016, earlier than the earliest registration dates of the 29 disputed domain names, i.e. 23 July 2022. All trademark registrations are still within the trademark protection period. The Panel has no problem in finding that the Complainant enjoys the prior trademark right over "ROTHY'S".

All the 29 disputed domain names end with ".com", which only indicates that the domain names are registered under this gTLD and is not distinctive. To consider the identity or confusing similarity, the Panel only needs to examine the main part of the disputed domain names. The main parts of the 29 disputed domain names can be divided into two categories.

The first category includes the following 20 disputed domain names:

1. rothysaustralia.com
2. rothyscanada.com
3. rothysdeutschland.com
4. rothysespana.com
5. rothysfrance.com
6. rothysireland.com

7. rothysitalia.com
8. rothysmalaysia.com
9. rothysmexico.com
10. rothysnederland.com
11. rothysnorge.com
12. rothysnz.com
13. rothysosterreich.com (“osterreich” means “Austria” in German)
14. rothysportugal.com
15. rothysphilippines.com
16. rothysschweiz.com
17. rothysingapore.com
18. rothysturkiye.com
19. rothysuae.com
20. rothysuk.com

The main parts of this category of disputed domain names include two sub-parts, taking the form of “rothys”, which is the Complainant’s trademark, and the names of countries (such as Australia, Canada, Deutschland, Espana, France, Ireland, Italia, Malaysia, Mexico, Nederland, Norge, Osterreich, Portugal, Philippines, Schweiz, Singapore, and Turkiye) or abbreviations of countries (such as nz, uae and uk). The Panel finds that the addition of the names or abbreviations of countries to a trademark does not alter the underlying mark to which it is added. In this case, the combination of two sub-parts cannot effectively differentiate the main part of the disputed domain names from the Complainant’s trademark; on the contrary, such a combination strengthens the links between the disputed domain names and the Complainant, misleading the consumers to believe that the domain names are to show the Complainant’s existence in specific countries. Therefore, the disputed domain names are confusingly similar to the Complainant’s trademark “ROTHY’S”.

The second category includes the following 9 disputed domain names:

1. rothyshoesusa.com
2. rothysshoesusa.com
3. rothysshoesuk.com
4. rothysshoesireland.com
5. chaussuresrothysfrance.com (“chaussures” means shoes in French)

6. scarperothysitalia.com (“scarpe” means shoes in Italian)
7. rothyskor.com (“skor” means shoes in Swedish)
8. rothysshoessale.com
9. rothysshoesoutlet.com

The main parts of this category include three sub-parts (except the 7th disputed domain name with two sub-parts); apart from the sub-part taking the form of the Complainant’s trademark “rothys”, the other two sub-parts are “shoes” and the names or abbreviations of countries (such as usa, uk, Ireland, France, Italia) or generic terms (such as sale, outlet). The Panel finds that the addition of the names or abbreviations of countries or other generic terms to a trademark does not alter the underlying mark to which it is added. In this case, the combination of three sub-parts cannot effectively differentiate the main parts of the disputed domain names from the Complainant’s trademark; on the contrary, given the fact that shoes are main products of the Complainant, such a combination strengthens the links between the disputed domain names and the Complainant, misleading the consumers to believe that the domain names belong to the Complainant or that the Respondent has been authorized to use the disputed domain names. Therefore, the disputed domain names are confusingly similar to the Complainant’s trademark “ROTHY’S”.

The Panel holds, accordingly, that the Complaint fulfills the condition provided in Paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests of the Respondent

The Complainant contends that the Respondent does not have rights to or legitimate interests in the disputed domain names. The Complainant has never authorized the Respondent to use the trademark or the disputed domain names. The Complainant’s assertion is sufficient to establish a prima facie case under Paragraph 4(a)(ii) of the Policy, thereby shifting the burden to the Respondent to present evidence of its rights or legitimate interests.

The Respondent has failed to show that the Respondent has any rights or legitimate interests in respect of the disputed domain names. The Respondent is not commonly known by the disputed domain names. No evidence has shown that the Respondent is using or plans to use the disputed domain names for a bona fide offering of goods or services, which will be further elaborated below. The act of registering the disputed domain names does not automatically endow any legal rights or interests with the Respondent.

The Panel therefore finds that the Complaint fulfills the condition provided in Paragraph 4(a)(ii) of the Policy.

C. Bad Faith

The evidence (The Complainant's history) submitted by the Complainant shows that the Complainant is an American fashion company founded in 2012 and has registered its "ROTHY'S" trademark worldwide covering a wide range of goods/services, including shoes. The evidence (The Complainant's stores and market value) submitted by the Complainant shows that the Complainant was valued at \$1 billion in December 2021. The evidence (ROTHY'S in social media, Online news reports regarding the Complainant's factory in China, and Media coverage for the Complainant's marks and products in China) submitted by the Complainant shows that the Complainant has been widely covered in various social media platforms like Facebook, Instagram, Tik Tok. The evidence (Celebrities wearing "ROTHY'S" shoes, Customer reviews, Statistics of the Complainant's official website, and Statistics regarding the followers of the Complainant's Instagram accounts) submitted by the Complainant sufficiently shows that the Complainant and its trademark "ROTHY'S" have been widely accepted by consumers, in particular, various celebrities, which adds to the fame of the Complainant and its trademark "ROTHY'S". The evidence (Prizes and rankings) submitted by the Complainant further substantiates the reputation of the Complainant and the wide recognition of its trademark "ROTHY'S" in the relevant market. Consequently, through extensive use, advertisement and promotion, the trademark "ROTHY'S" has achieved a strong reputation in the relevant market. As such, the public has come to recognize and associate the Complainant's trademark as originating from the Complainant and no other.

The evidence (ROTHY'S products offered on rothyshoesusa.com) submitted by the Complainant shows that the website of <rothyshoesusa.com> contains the trademark "ROTHY'S" and the same products in the webpage. All the above facts are obvious to all that the Respondent is aware of the existence of the Complainant and its trademark "ROTHY'S". This can be further substantiated that "ROTHY'S" is not a generic word. The action of registering the disputed domain name per se has constituted bad faith. Actually, it is impossible to conceive of any plausible active use of the disputed domain names by the Respondent that would not be illegitimate.

The fact that the Respondent has registered 29 disputed domain names, all containing the Complainant's trademark "ROTHY'S", constitutes the type of bad faith registration and use of the disputed domain names as identified in the Policy, i.e. 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.

Furthermore, the evidence (ROTHY'S products offered on rothyshoesusa.com) submitted by the Complainant shows that the website of <rothyshoesusa.com> contains the trademark "ROTHY'S" and the same products in the webpage. This is exactly the type of bad faith use of the disputed domain name <rothyshoesusa.com> as identified in the Policy, i.e. the Respondent has intentionally attempted to attract,

for commercial gain, Internet users to the website or other on-line location, by creating a likelihood of confusion with the Complainant's trademark as to source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on the website or location.

The Panel concludes that the Respondent has registered and used the domain names in bad faith. Accordingly, the Panel finds that the Complaint satisfies the condition provided in Paragraph 4(a)(iii) of the Policy.

5. Decision

Having established all three elements required under the ICANN Policy, the Panel concludes that relief should be granted. Accordingly, it is ordered that the following 29 disputed domain names:

<rothysaustralia.com>	<roghyscanada.com>	<rothysdeutschland.com/>
<rothysespana.com>	<rothysfrance.com>	<rothysireland.com>
<rothysitalia.com>	<rothysmalaysia.com>	<rothysmexico.com>
<rothysnederland.com>	<rothysnorge.com>	<rothysnz.com>
<rothysosterreich.com>	<rothysportugal.com>	<rothysphilippines.com>
<rothysschweiz.com>	<rothyssingapore.com>	<rothysturkiye.com>
<rothysuae.com>	<rothysuk.com>	<rothyshoesusa.com>
<rothyshoesusa.com>	<rothyshoesuk.com>	<rothyshoesireland.com>
<chaussuresrothysfrance.com>	<scarperothysitalia.com>	<rothysskor.com>
<rothyshoessale.com>	<rothyshoesoutlet.com>	

be transferred from the Respondent to the Complainant ROTHY'S, INC.



ZHAO Yun

Dated: 30 May 2023