



Asian Domain Name Dispute Resolution Centre

beijing

## **ADMINISTRATIVE PANEL DECISION**

**Case No. CN-2301579**

---

**Complainant: Nongfu Spring Co., Ltd.**

**Respondent: Oleg Shestakov**

**Domain Name: nongfuspring.global**

**Registrar: NAMECHEAP INC.**

---

### **1. Procedural History**

On 6 September 2023, the Complainant submitted a Complaint in Chinese 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 8 September 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, NAMECHEAP INC., a request for registrar verification in connection with the disputed domain name.

On 8 September 2023, the Registrar transmitted by email to the ADNDRC Beijing Office its verification response, confirming the registrant of the domain name and providing the contact details. The Registrar further pointed out that the language of the Registration Agreement is English.

On 8 September 2023, the ADNDRC Beijing Office notified the Complainant of the Respondent's information and language of the proceedings, and requested it to revise the Complaint according to the information provided by the Registrar.

On 15 September 2023, the Complainant submitted the revised Complaint.

On 18 September 2023, the ADNDRC Beijing Office 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 Registrar, NAMECHEAP INC., of the commencement of the proceedings.

On 19 September 2023, the Respondent replied in an email expressing his willingness to transfer the disputed domain name to the Complainant.

On 20 September 2023, the ADNDRC Beijing Office transmitted the Respondent's email to the Complainant.

On 7 October 2023, the Complainant requested the ADNDRC Beijing Office to proceed with the procedure.

Since the Complainant elected this case to be dealt with by a one-person panel, 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 Prof. Xue Hong, the ADNDRC Beijing Office notified the Parties on 10 October 2023 that the Panel in this case had been selected, with Prof. Xue Hong 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 10 October 2023, the Panel received the file from the ADNDRC Beijing Office and should render the Decision within 14 days, i.e., on or before 24 October 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. Given that the language of the current disputed domain name Registration Agreement is English, the Panel determines English as the language of the proceedings.

## **2. Factual Background**

### **A. The Complainant**

The Complainant in this case is Nongfu Spring Co., Ltd. The registered address is

No.181, Geyazhuang, Xihu District, Hangzhou City, Zhejiang Province, China. The authorized representative in this case is CCPIT Patent & Trademark Law Office.

## **B. The Respondent**

The Respondent in this case is Oleg Shestakov. The registered address is office 2W M114, mezzanine floor, building 2 West, Dubai Airport Freezone, United Arab Emirates. The Respondent has no authorized representative in this case.

The Respondent is the current registrant of the disputed domain name “nongfuspring.global”, which was registered on 1 March 2023 according to the WHOIS information. The Registrar of the disputed domain name is NAMECHEAP INC.

## **3. Parties' Contentions**

### **A. The Complainant**

1. The disputed domain name is identical or confusingly similar to the registered trademarks in which the Complainant has rights.

The Complainant is a leading beverage company in China. Its products cover drinking water, tea, energy drinks and fruit drinks. From 2012 to 2021, the Complainant has maintained No.1 market share for packaged drinking water in China for nine consecutive years. The Complainant's interim report on financial information for 2022 reveals that as of 30 June 2022, the Complainant's income had reached an impressive RMB16.6 billion.

Since 2009, the Complainant has consistently been recognized as one of the “Top 500 Private Enterprises in China”. In addition to this prestigious honor, it has been granted with multiple honors, including being awarded the titles of “China's Top 500 Private Manufacturing Enterprises” “China's Top 500 Manufacturing Enterprises” “National Key Leading Enterprise of Agricultural Industrialization” “National Quality Leading Enterprise of Food and Beverage Industry” and so on. According to the “2018 China Brand Value Evaluation Result Notice” and “2019 China Brand Value Evaluation Result Notice” released by the China Brand Building Promotion Association, the Complainant's brand strength in 2018 and 2019 was rated at 862 and 916 respectively. Additionally, its brand value increased from RMB8.956 billion in 2018 to RMB20.17 billion in 2019.

In October 2016, the Complainant embarked on an international path and established a company in New Zealand. In addition, a variety of products produced by the Complainant are exported to the international market, with key markets including Malaysia, the Philippines, Thailand, Vietnam and other countries.

The Complainant's brand of drinking water, “Nongfu Spring”, was awarded the title “Recognized Famous Brand in Jiangsu” as early as 2001, and later with other notable

titles such as “China Famous Brand Product”, “Hangzhou Brand in My Mind” and “China's Most Influential Food Enterprise/Brand”. The Complainant's “Nongfu Spring” drinking water has been “the chosen drinking water for Chinese astronauts” since 2003. Meanwhile, “Nongfu Spring” drinking water is also the “Special Water for Official Partners, Training and Competitions of the 22nd World University Games Chinese Sports Delegation” “Recommended Product of the 2012 Hangzhou West Lake International Expo” “Designated Product of the G20 Hangzhou Summit” “Official Drinking Water for the 2018 FIVB Women’s Club World Championship”, and so on. In March 2019, the Complainant signed on as an official FINA global partner for a period of 4 years. Until 2023, in major events under the FINA, the Complainant can showcase “Nongfu Spring” drinking water, further enhancing the Complainant’s international influence.

In addition, the Complainant has always been actively involved in and advocated social welfare undertakings and regarded public welfare activities as his due social responsibility. Since 2004, the Complainant has been consistently making donations to various organizations and regions, including the Red Cross Society of Zhejiang Province, Song Qing Ling Foundation, Guangzhou Charity Society, Zhejiang Charity Federation, among others.

The above facts are sufficient to prove that prior to the registration date (March 1, 2023) of the disputed domain name, the Complainant and the Complainant’s NONGFU SPRING trademark and trade name have already gained certain reputation in both the Chinese and international markets.

The Complainant has also the following trademark registrations in United Arab Emirates.

- Trademark: 农夫山泉; NONGFU SPRING; Registration Number: 314702; Validity period: July 29, 2019 to July 29, 2029. Approved Goods/Services: Class 32: Beer; fruit juices; waters (beverages); mineral water; soda water; fruit juices (beverages); nonalcoholic beverages; plant beverages; fruit-based beverages including lactic acid; preparations for making beverages, in class 32.

The Complainant has also the following trademark registrations in China.

- Trademark: NONGFU SPRING; Registration Number: 3017192; Registration Date: December 28, 2002; Expiry Date: December 27, 2032; Approved Goods/Services: Class 32: Fruit tea (non-alcoholic); Fruit juice; Mineral water (beverages); Beer; Whey beverages; Vegetable juice (beverages); Water (beverages); Non-alcoholic fruit juice beverages; Non-alcoholic beverages; Beverage essences.
- Trademark: NONGFU SPRING; Registration Number: 7864206; Registration Date: December 28, 2010; Expiry Date: December 27, 2030; Approved

Goods/Services: Class 32: Beer; Fruit juice; Water (beverages); Mineral water; Soda water; Fruit juice beverages (beverages); Non-alcoholic beverages; Plant-based beverages; Lactic acid beverages (fruit products, non-dairy); Beverage preparations.

- Trademark: NONGFU SPRING; Registration Number: 7864237; Registration Date: December 28, 2010; Expiry Date: December 27, 2030; Approved Goods/Services: Class 32: Beer; Fruit juice; Water (beverages); Mineral water; Soda water; Fruit juice beverages (beverages); Non-alcoholic beverages; Plant-based beverages; Lactic acid beverages (fruit products, non-dairy); Beverage preparations.

- Trademark: NONGFU SPRING; 农夫山泉 ( NONGFU SPRING and NONGFU SPRING in Chinese ) ; Registration Number: 6374671; Registration Date: February 28, 2010; Expiry Date: February 27, 2030; Approved Goods/Services: Class 32: Beer; Non-alcoholic fruit juice beverages; Water (beverages); Mineral water; Fruit juice beverages (beverages); Lactic acid beverages (fruit products, non-dairy); Beverage preparations; Plant-based beverages; Almond milk (beverages); Fruit juice.

- Trademark: 农夫山泉 NONGFU SPRING ( NONGFU SPRING in Chinese and NONGFU SPRING ) ; Registration Number: 7864269; Registration Date: December 28, 2010; Expiry Date: December 27, 2030; Approved Goods/Services: Class 32: Beer; Fruit juice; Water (beverages); Mineral water; Soda water; Fruit juice beverages (beverages); Non-alcoholic beverages; Plant-based beverages; Lactic acid beverages (fruit products, non-dairy); Beverage preparations.

- Trademark: 农夫山泉 NONGFU SPRING ( NONGFU SPRING in Chinese and NONGFU SPRING ) ; Registration Number: 7864253; Registration Date: December 28, 2010; Expiry Date: December 27, 2030; Approved Goods/Services: Class 32: Fruit juice; Water (beverages); Mineral water; Soda water; Fruit juice beverages (beverages); Non-alcoholic beverages; Plant-based beverages; Lactic acid beverages (fruit products, non-dairy).

- Trademark: 农夫山泉 ( NONGFU SPRING ) ; Registration Number: 5773741; Registration Date: January 28, 2010; Expiry Date: January 27, 2030; Approved Goods/Services: Class 36 - Insurance; Financial services; Fund investments; Art appraisal; Real estate agency; Brokerage; Guarantee; Charitable fund raising; Trusts; Pawnbroking.

- Trademark: NONG FU; Registration Number: 1324997; Registration Date: October 14, 1999; Expiry Date: October 13, 2029; Approved Goods/Services: Class 36: Insurance information; Financial consultation; Stamp appraisal; Real estate management; Farm rental; Real estate agency; Real estate rental;

Pawnbroking.

- Trademark: 农夫山泉 ( NONGFU SPRING ) ; Registration Number: 1341841; Registration Date: December 7, 1999; Expiry Date: December 6, 2029; Approved Goods/Services: Class 32:Beer; Soda water; Fruit juice; Non-alcoholic beverages; Plant-based beverages; Bean-based beverages; Alkaline water for consumption; Mineral water (beverages); Water (beverages); Vegetable juice (beverages); Soda pop ingredients; Fruit juice beverages (beverages); Tea-based beverages (water); Milk tea (non-dairy-based).

- Trademark: 农夫山泉 ( NONGFU SPRING ) ; Registration Number: 7858057; Registration Date: December 21, 2010; Expiry Date: December 20, 2030; Approved Goods/Services: Class 32: Beer; Plant-based beverages; Non-alcoholic beverages; Soda water; Water (beverages); Lactic acid beverages (fruit products, non-dairy); Mineral water; Fruit juice beverages (beverages); Fruit juice; Beverage preparations.

“Nongfu Spring” is the English translation corresponding to the Complainant’s trade name “农夫山泉” used since 1996. In addition to the aforementioned rights over the registered trademarks and trade name, the Complainant registered the domain name “nongfuspring.com” as early as 2002 and established the website “www.nongfuspring.com” to promote the Complainant and its products. The Complainant’s trademark “农夫山泉 NONGFU SPRING” is used in the top left corner of the website’s homepage. The website also has an English version where the Complainant uses “Nongfu Spring” as its trademark and trade name.

The main identifying part of the disputed domain name is identical to the Complainant’s registered trademark, which the Complainant has legitimate rights to, and is sufficient to cause confusion.

Firstly, the “.global” in the disputed domain name is a generic top-level domain suffix. Therefore, the main identifying part of the disputed domain name is “nongfuspring”, which is identical to the Complainant’s registered trademark and trade name “Nongfu Spring” that the Complainant has created, used first, and holds prior legal rights to. Secondly, based on the Complainant’s long-term and continuous use, “Nongfu Spring” and “农夫山泉” have formed a fixed and one-to-one correspondence. Moreover, “农夫山泉” has already achieved a well-known status as trademark and trade name. Therefore, the main part of the disputed domain name is also similar to the Complainant’s registered trademark and trade name “农夫山泉” which the Complainant has created, used first, and holds prior legal rights to.

The Complainant believes that this similarity is sufficient to cause confusion among the public, thereby infringing upon the Complainant’s prior rights and the interests of consumers. Therefore, the disputed domain name, which is identical to the trademark

owned by the Complainant and likely to cause confusion, falls under the provisions of Article 4(a)(i) of the Policy .

2. The Respondent does not have rights or legitimate interests in the disputed domain name.

The Complainant hereby solemnly declares that the Complainant and any affiliated companies have no relationship with the Respondent in this case. The Complainant has never granted any authorization or permission to the Respondent regarding the use of the complainant's trademark. The Complainant has never allowed the Respondent to register domain names using "Nongfu Spring" trademark and brand name.

The Respondent in this case does not have rights to "Nongfu Spring". Furthermore, the registration date of the disputed domain name is later than the registration date of the Complainant's "Nongfu Spring" trademark and the date Complainant's use of "Nongfu Spring" as trade name. Therefore, the Respondent does not have rights or legitimate interests in the disputed domain name, in accordance with the provisions of Article 4(a)(ii) of the Policy.

3. The Respondent registered the disputed domain name in bad faith and is using the domain name in bad faith.

"Nongfu Spring" itself is not a dictionary term but a coined phrase. It is distinctive as it was created and utilized by the Complainant commercially. "Nongfu Spring" is a registered trademark and it is also the English translation of the Complainant's registered trademark and trade name "农夫山泉". The Complainant did not simply choose the English word FARMER as the translation of the "农夫" in its trademark and trade name, instead, it adopted the Chinese pinyin expression for "农夫", so that the trademark and trade name in English not only reflect the Chinese characteristics, but also show the international character, which is a self-invented character logo with substantial commercial value.

The Complaint demonstrates that the Complainant's registered trademark and trade name, after years of publicity and use by the Complainant and its affiliates in China, had been well known to the Chinese public prior to the registration of the disputed domain name. Meanwhile, after the Complainant's international use, it gained a certain international reputation, and others' unauthorized use of the word trademark cannot be reasonably explained by coincidence or other reasons. The Complainant set a search scope for "nongfuspring" at Bing International (www.bing.com) between 1 January 2020 and 31 July 2023, which yielded 131,000 results. All of the first ten pages of search results refer to the Complainant and contain reports on the Complainant by internationally renowned media institutions including CNBC, Forbes, South China Morning Post, etc.

The Complaint has reason to believe that the Respondent, while being aware of the exclusive term “nongfuspring” referring to the Complainant’s goods in this case, used the term as the sole identifying component of the disputed domain name. Meanwhile, since the disputed domain name is identical to the main identifying part of the domain name prior registered by the Complainant, it increases the likelihood of confusion and constitutes an infringement of the Complainant’s trademark rights. The Respondent knew or should have known about the “Nongfu Spring” registered trademark and trade name before registering the disputed domain name. The Respondent’s registration of the disputed domain name which is identical with the Complainant’s registered trademark and trade name is not a coincidence, but a deliberate copying of the trademark and trade name in which the Complainant has prior civil rights. The Respondent, without valid reasons, registered the disputed domain name using the Complainant’s reputable and well-known trademark and trade name, which enjoys a considerable reputation both in China and globally, despite having no legitimate rights or interests in the disputed domain name. This act of registering the disputed domain name is deemed malicious.

The Respondent, after registering the disputed domain name, linked the disputed domain name to a website introducing drinking water and virtual currency, such use is also malicious. On the left side of the homepage of “www.nongfuspring.global”, “Nongfu Spring” is prominently displayed. Articles posted on the website include “Investing in Water Infrastructure with Crypto: A Look into Water Coin” “Cryptocurrency Adoption in the Water Industry: Opportunities and Challenges” and other references to the drinking water industry in which the Complainant works. Meanwhile, in the “About us” section of the website, “From Bottled Water Supplier to Crypto Trading” and “The transition from a bottled water supplier to a cryptocurrency blog may seem unusual, but at Nongfu Spring, we believe that change is the only constant” are explicitly used. In the “Privacy” section, it uses the expression “NongFu Spring” (‘us’ ‘we’, or ‘our’) operates the NongFu Spring website (the “Service”). Given the Complainant’s high reputation in the drinking water industry, the aforementioned statements used by the Respondent on the website are highly misleading, as they can easily mislead internet users into believing that there is a subordinate relationship between the website and the Complainant, resulting in confusion. The Respondent’s said use belongs to evidence of the registration and use of a domain name in bad faith as regulated in Article 4b(iv) of the Policy, which is: 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.

Additionally, since the main identifying part of the disputed domain name is identical to the Complainant’s well-known registered trademark, trade name, and the domain



name previously registered by the Complainant, regardless of whether the Respondent actually uses the disputed domain name, it will cause confusion among the public. Due to the objective uniqueness of the internet domain name, the registration of the disputed domain name by the Respondent inevitably leads to the Complainant's inability to obtain the corresponding domain name in this way. In other words, the Respondent's preemptive registration results in the Complainant's loss of the possibility to register the disputed domain name, objectively preventing and hindering the Complainant from using its registered trademark for business activities on the internet. This constitutes an infringement of the Complainant's trademark rights. Given the extensive influence of the Complainant, it is clear that the Respondent acted in bad faith by registering the disputed domain name that is confused with the Complainant's trademark despite knowing the reputation of the Complainant's trademark and its added value.

In conclusion, the Complainant holds that the aforementioned acts of the Respondent involve registering the well-known trademark and trade name that others have legitimate rights and interests to as a domain name, with the intention of obtaining commercial benefits through the disputed domain name. Such conduct is clearly in bad faith, falls under Article 4a(iii) of the Policy, which should be prohibited by law, in order to protect the Complainant's legitimate prior intellectual property and civil rights, as well as consumers' rights and interests, while upholding the principles of honesty, credibility, and fair competition in the market.

Based on the aforementioned facts and reasons, each of the three elements included in Article 4(a) of the Policy are present. The Complainant hereby requests the Panel to support the Complainant and to rule in favor of transferring the disputed domain name to the Complainant.

## **B. The Respondent**

The Respondent replied in the emails dated 19 September and 10 October 2023 respectively that he wished to reach a settlement and transfer the disputed domain name to the Complainant. The Respondent made the following statements.

"Firstly, I would like to extend my sincere apologies for any confusion or concern that may have arisen from my acquisition of the domain. I was not aware at the time of purchase that the domain name was associated with a trademark. My intention behind securing this domain was solely for the purpose of establishing a blog related to cryptocurrency. I assure you that there was never any intent on my part to discredit the brand, leverage its reputation, or obtain any undue benefit from the same."

"Understanding the sensitivity of the situation and in the spirit of goodwill, I am willing to transfer the domain rights to the rightful owner of the trademark. I would kindly request you to provide me with an account or platform details where I can initiate the transfer process."

“Again, I deeply regret any unintentional oversight on my part. I hope we can resolve this matter amicably and in a timely manner. Please do not hesitate to reach out if you have any further queries or require additional information.”

#### **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. Settlement of the Disputes**

Under the Paragraph 17 of the Rules, the Panel shall terminate the administrative proceeding, if the Parties agree on a settlement before the Panel’s decision. The Parties’ settlement shall follow the steps stipulated in the Rules. The first step is that the Parties provide written notice of a request to suspend the proceedings for settlement discussion to the Provider.

In this case, although the Respondent had notified to the ADNDRC Beijing Office of the intent of settlement with the Complainant, the Parties did not reach any settlement agreement and the Complainant requested the dispute be decided by the Panel.

Given the circumstance of the case, the Panel finds that the proceeding shall not be terminated.

### **B. Identity or Confusing Similarity**

Under the Paragraph 4(a)(i) of the Policy, the Complainant must prove that the disputed domain name is identical with, or confusingly similar to, the trademark or service mark in which the Complainant has rights.

The Complainant provides the registration certificates to show that, prior to the registration of the disputed domain name, “农夫山泉 NONGFU SPRING” has been registered by the Complainant as the trademarks in United Arab Emirates as well as in China. The Complainant has registered the trademark “NONGFU SPRING” (Registration Number 3017192) in China since 28 December 2002, and has registered the trademark “农夫山泉 NONGFU SPRING” (Registration Number: 314702) since 4 November 2019 in United Arab Emirates in which the Respondent is located. The Panel finds that the Complainant’s rights in the trademarks “NONGFU SPRING” have been proved.

The disputed domain name “nongfuspring.global”, apart from the non-distinctive generic top-level domain “.global”, consists of “nongfuspring”. It’s been established under the Policy that the identity or confusing similarity provided in the Paragraph 4(a)(i) can be proved by simple comparison of the character compositions of the disputed domain name and the Complainant’s legally proven mark. In comparison, the second-level domain “nongfuspring” is identical with the Complainant’s registered marks “NONGFU SPRING” in characters but merely leaving out the space between “NONGFU” and “SPRING”, and its combination with the generic top-level domain “.global” makes it even more confusing with the meaning of “NONGFU SPRING in global market”.

Based on the foregoing discoveries, the Panel finds that the Complaint has proven the first element under the paragraph 4(a) of the Policy, *i.e.* the disputed domain name is confusingly similar to the marks in which the Complainant has rights.

### **C. Rights or Legitimate Interests of the Respondent**

The Complaint contends that the Complainant and any affiliated companies have no relationship with the Respondent, has never granted any authorization or permission to the Respondent regarding the use of the Complainant’s trademark. Neither the Complainant ever allowed the Respondent to register domain names using “Nongfu Spring” trademark and brand name. The Complainant contends that the Respondent does not have rights in “Nongfu Spring”.

The Respondent responds that he was not aware at the time of purchase that the domain name was associated with a trademark, and his intention behind securing this domain was solely for establishing a blog related to cryptocurrency, rather than for discrediting the brand, leveraging its reputation, or obtaining any undue benefit from the same.

The Panel notes that the Respondent, although apologizing for his “unintentional oversight”, does not prove that he has any right or legitimate interests in the disputed domain name.

The Paragraph 4(c) of the Policy provides a list of circumstances which can be taken to demonstrate a respondent’s rights or legitimate interests in a domain name. However, there is no evidence before the Panel that any of the situations described in the Paragraph 4(c) of the Policy apply here.

Therefore, and also in light of the Panel’s findings below, the Panel finds that the Complaint has proven the second element under the Paragraph 4(a) of the Policy, *i.e.* the Respondent has no rights or legitimate interests in the disputed domain name “nongfuspring.global”.

#### **D. Bad Faith**

The Complainant contends that the Respondent registered and is using the disputed domain name in bad faith. The Respondent denies the Complainant’s contentions.

The Complainant proves that, many years before the registration of the disputed domain name, the Complainant had been using “NONGFU SPRING” and “农夫山泉 NONGFU SPRING” as its trade name and trademarks. “NONGFU SPRING” is a famous brand in beverage market and especially well known on bottle water products.

The Panel notes from the notarized evidence provided by the Complainant that the disputed domain name is being used at the website “<https://nongfuspring.global>”, on which the Complainant’s registered trademarks “Nongfu Spring” are shown as a prominent logo on each webpage promoting cryptocurrencies trading. The Respondent particularly emphasizes the website’s connection with the Complainant and its bottle water products. In website’s “About us” section, the Respondent states that “Our journey began with a bottle water supplier”, but “dive into the world of digital currencies, blockchain technology and decentralized finance”; “Nongfu Spring has transformed into a reputable blog dedicating to providing accurate, up-to-date and relevant information on cryptocurrency trading”. Noteworthy, the Respondent is offering on the website so-called “Water Coin” and calling users to invest “in water infrastructure with crypto”.

To the Panel’s discovery, the Respondent’s use of the disputed domain name on the website proves the disputed domain name that is confusingly similar to the Complainant’s trademarks “NONGFU SPRING” was intentionally chosen to enable

the Respondent to take advantage of the Complainant's marks and the reputation on bottle water products for commercial gains. Instead of "unintentional oversight" of the Complainant's marks, the Respondent intentionally makes the misleading statements that Nongfu Spring has transformed into cryptocurrency trading and is offering Water Coin. Such acts of the Respondent are detrimental to the Complainant's brand value and may get the Complainant involved in regulatory risk.

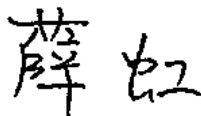
The Panel, therefore, finds that the Respondent, despite having no legitimate right or interest in the disputed domain name, imitates and intends to profit from the Complainant's reputable marks "NONGFU SPRING" and "农夫山泉 NONGFU SPRING" through confusing the domain name with the Complainant's marks as to the source, sponsorship, affiliation, or endorsement of his website as well as of the cryptocurrency trading offered through the website.

Given the high likelihood of confusing similarity between the disputed domain name and the Complainant's marks and the Respondent's abusive use of the disputed domain name, the Panel finds that the disputed domain name "nongfuspring.global" has been registered and is being used in bad faith under the Policy, Paragraph 4(b)(iv).

Therefore, the Complaint has successfully proven the third element under the Paragraph 4(a) of the Policy.

## 5. Decision

For all 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 "nongfuspring.global" be transferred to the Complainant Nongfu Spring Co., Ltd.



---

Xue Hong

Dated: 20 October 2023