Domain Name Dispute Resolution Center (DNDRC)

Arbitration and Mediation Center

COMPLAINT PANEL DECISION

Case No. C2025-0005

Also in PDF C2025-0005

1. The Parties

The Complainant is Roadget Business Pte. Ltd having its office at 12 Marina Boulevard #15-01, Marina Bay Financial Centre Singapore 018982 Singapore. The Complainant has initiated the complaint vide their authorized representative, MSA IP – Milojevic Sekulic & Associates Karadjordjeva 65 11000 Belgrade, Serbia.

The Respondent's name is Shaharyar Ahmed with their address at G82/2 Jamshed Road, Karachi, Pakistan.

2. The Domain Name and Registrar

The domain name in dispute is <shein.pk>, hereinafter referred to as the Disputed Domain Name [the DDN"]. Vide email dated 29 October 2024, PKNIC has informed DNDRC that the DDN was registered by the Respondent.

3. Procedural History

DNDRC was informed of the Complaint against the Respondent as per PKNIC - Internet Domain Registration Policy, by notification from the Complainant on 10 October 2024 after which DNDRC completed its compliance review.

PKNIC provided the details of the Respondent to DNDRC on 29 October 2024.

The Respondent was issued a notification of the dispute along with a copy of the Complaint and a Response Form on 02 November 2024 informing the Respondent that if a Response was not received 10 days from the notification, the dispute would be proceeded ex parte. Subsequent reminders to file the Response Form were sent to Respondent on 03 December 2024 and 09 December 2024.

Applying Paragraph 4(a) of the Rules for Uniform Domain Name Dispute Resolution Policy (the Rules), DNDRC appointed Mr. Rayyan Altaf as the sole Arbitrator who has verified that the Complaint satisfies the formal requirements of the Policy and the Rules.

4. Factual Background

The DDN upon which the Complaint is based is <shein.pk>.

PKNIC has confirmed via their email dated 29 October 2024 that the DDN was registered by the Respondent above-named and that the email address provided at the time of registration is shaharyar.sya@gmail.com. DNDRC awaited the submission by the Response of the Response Form as per the prescribed forms also available at www.dndrc.com/downloads. The Respondent then subsequently provided a response within the required period.

1. Parties Contentions

A. Complainant

The Complainant's brief contentions are reproduced below:

> *Complainant is a worldwide fashion retailer mostly known for its brand SHEIN. It was founded in 2012 by entrepreneur Chris Xu in Nanjing, China, and currently is headquartered in Singapore. Complainant with its brand SHEIN serves customers in more than 150 countries around the world, with offices in Los Angeles, São Paulo, Dublin, Guangzhou, Paris, Washington D.C., London, and Singapore. Currently, the Complainant employs over 16 thousand employees worldwide. By 2022 Shain grew to become the world's largest fashion retailer and the most popular brand in the world as it was the most searched brand in 113 countries. (Annex 3)*
>
> *Complainant is the owner of a number of trademarks for its well-known mark SHEIN, including the following (Annex 4):*
>
> *- International Trademark Registration No. 1767074 for SHEIN registered on November 17, 2023 and covering goods in classes 25 and 35;*

- EU Trademark Registration No. 017900461 for SHEIN registered on May 15, 2018 and covering goods in classes 9, 14, 18, 20, 21, 24, 25, 26 and 35;
- China Trademark Registration No. 16888313 for SHEIN registered on October 28, 2016 and covering goods in class 26;
- China Trademark Registration No. 16888312 for SHEIN registered on November 28, 2016 and covering goods in class 35;
- China Trademark Registration No. 26153798 for SHEIN registered on April 28, 2020 and covering goods in class 25;
- US Trademark Registration No. 87857249 for SHEIN registered on October 22, 2019 and covering goods in class 24;
- US Trademark Registration No. 87857225 for SHEIN registered on August 20, 2019 and covering goods in class 18;

In addition, Complainant operates an official website under the domain name <shein.com> and is the registrant of a number of domain names that incorporate the Complainant's SHEIN trademark. These domain names include the following (Annex 5):

- <shein.us> registered on October 13, 2015;
- <shein.in> registered on May 22, 2016;
- <shein.sg> registered on October 24, 2016;
- <shein.th> registered on August 15, 2022;

Given that the Complainant and its SHEIN brand gained global popularity and recognition as one of the most popular brands, therefore SHEIN trademark has gained well-known status over the last decade.

Complainant became aware of Respondent's registration of the disputed domain name <shein.pk> which is identical to its well-known trademark SHEIN, as the same incorporates this trademark in its entirety as the second-level-domain (SLD) in combination with Pakistan country-code domain (ccTLD) ".pk". The disputed domain name <shein.pk> was registered on March 15, 2023 and currently resolves to an active website titled "BTS BY SHEIN.pk" seemingly offering clothes, shoes and accessorize at heavily discounted prices (Annex 6). The content of the webpage is being changed on a daily basis as on October 2, 2024 the disputed domain name used to resolve to an inactive webpage, and on October 4, 2024 it used to resolve to an error webpage (Annex 7).

Therefore, the Complainant seeks the following remedy:

In accordance with Paragraph 4(i) of the Policy, for the reasons described in Section 7 and 8 above, the Complainant requests from the Administrative Panel appointed in this administrative proceeding that the domain name <shein.pk> be transferred to the Complainant.

B. Respondent

The Respondent has not submitted any response.

5. Jurisdiction

The Panel's jurisdiction over this dispute between the Complainant and the Respondent is established by virtue of the Internet Domain Registration Policy version 4.4 (2019-08-19) and the Rules.

The Respondent applied for and was granted registration of the DDN on the basis of these regulations, and has submitted to, the PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19) and the Rules and correspondingly to the arbitral jurisdiction of the DNDRC and its arbitration decisions.

6. Discussion and Findings

In the landmark case of *Standard Chartered PLC v. Hosting Campus Domain (case no. C2007-0001)* available on the DNDRC website (http://www.dndrc.com/cases_resolved/pdf/c2007-0001.pdf), the Panel laid down the following four heads under which to analyze cases, under the Internet Domain Registration Policy version 4.4 (2019-08-19) and the UDRP:

1. *Illegality, unlawfulness or otherwise invalidity of the Application & Registration (a criteria in terms of the PKNIC - Internet Domain Registration Policy June 20, 2006 version 4.1 in addition to the criteria of the UDRP)*
2. *Identical or confusing similarity to a trademark or service mark in which the Complainant has rights (a UDRP criteria)*
3. *Legitimate interest in Domain Name (a UDRP criteria)*
4. *Registration and use in bad faith (a UDRP criteria)*

The decision of the dispute shall be addressed with respect to the following aspects:

i. Illegality, unlawfulness or otherwise invalidity with respect to the Application & Registration (a PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19) criteria).
ii. Identical or confusing similarity with a trademark or service in which the Complainant has rights (a UDRP criteria).
iii. Legitimate interest in the domain name (a UDRP criteria).
iv. Registration and use of the domain name in bad faith (a UDRP criteria).

I. Illegality, unlawfulness or otherwise invalidity of the Application & Registration

The PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19) states that it creates an exception for, and thus excludes the registration of a domain name that:

a. infringes upon a registered tradename,
b. is not bona fide as recognized by international best practice,
c. in the opinion of PKNIC, a contravention of the latest version of the Pakistan Penal Code Act, 1860 (including offences of defamation & blasphemy)/ Anti-Terrorism Act, 1997/any applicable criminal law,
d. has been declared by a Criminal Court of appropriate jurisdiction to have contravened the latest version of Pakistan Penal Code Act, 1860 (including offences of defamation & blasphemy)/Anti-Terrorism Act, 1997/any applicable criminal law), or
e. in the opinion of PKNIC is not appropriate for registration.

As per the PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19),

> *If a party claims that a domain name already registered with PKNIC violates their registered tradename, an obvious derivation of their registered company name is not bona fide as recognized by international best practice, and is a contravention in the opinion of PKNIC to be a contravention of the latest version of the Pakistan Penal Code Act, 1860 (including offences of defamation & blasphemy)/ Anti-Terrorism Act, 1997/any applicable criminal law, PKNIC reserves the right to cancel, or transfer the domain to the claiming party as per the ICANN's Uniform Domain Name Dispute Resolution Policy [UDRP] (with PKNIC amendments) or as per the orders of a court judgment in Pakistan.*

Therefore, for the purpose of assessing illegality, unlawfulness or otherwise invalidity of the Application & Registration of the DDN, the application and registration of the DDN shall be assessed in consideration of the following criteria:

i. Whether the DDN infringes upon a registered trade name / trade mark?
ii. Whether the application and/or registration of the DDN is bona fide?
iii. Whether the application and/or registration of the DDN contravenes the Pakistan Penal Code, 1860 (the "Penal Code") or any applicable criminal law?

The Complainant has stated:

> *The disputed domain name resolves to a webshop where different types of clothing products, shoes and accessories from several brands (including Shein) are offered for sale at discounted prices. Since the Complainant is a globally popular retailer, it is evident that the Respondent uses Complainant's well-known SHEIN trademark within the disputed domain name in order to mislead the internet users into thinking that products on the website are associated with Complainant and its well-known SHEIN brand (Annex 6). Moreover, at the FAQ (Frequently Asked Questions) section on the website under disputed domain name, as a response to the question "Are the products original Shein?", it is stated: Absolutely! We procure all our products directly from Shein. They are not leftovers or stock lot items. They're from the latest season (Annex 6). Therefore, it is more than evident that the Respondent is declaring the connection with the Complainant, which is not the case, and consequently, attracting internet users in need of the Complainant's products to their website.*
>
> *The Complainant uses the word mark SHEIN in connection with retail services globally. The Complainant owns numerous trademark registrations for its SHEIN mark in more than 100 countries, including Pakistan. The list of goods and services protected by the SHEIN are inter alia clothing, online retail services, and the provision of an online marketplace for buyers and sellers of goods and services. Hence, the Respondent purposefully registered a domain name identical to the Complainant's trademark under which the Respondent offered goods and services which are identical to Complainant's goods and services.*
>
> *Therefore, it is apparent that the Respondent knew or should have known that the registration of the disputed domain name establishes the infringement of the Complainant's intellectual property rights, which makes the registration of the disputed domain name illegal and unlawful.*

The Respondent has not submitted any response.

To prove illegality or unlawfulness, if it will be deemed sufficient if the Complainant proves that they are entitled to the rights of a trademark that is wholly incorporated within the DDN.

The Complainant has provided proof of the registration of their trademark "SHEIN" in multiple classes in the EU, China, the US and Pakistan, which has clearly been incorporated within the DDN, which therefore suggests that the DDN is clearly infringing the Complainants rights within the DDN.

From this information, the Panel finds that registration of the DDN infringes upon the rights of the Complainant and is thus illegal. However, for the purpose of completeness, the Panel shall assess the remaining UDRP criteria.

II. Identical or confusing similarity to a trademark or service mark in which the Complainant has rights

The Complainant has stated:

> *The Complainant with its SHEIN trademark is one of the most famous brands globally, being recognized as the global leader of the fast-fashion industry. Back in 2022 the research by finance experts at the UK website Money showed that Shein is the most popular brand in the world since it was the most searched brand in 113 countries of the world in 2022 (Annex 8).*
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> *Moreover, one of the most recent surveys conducted by software company Vention from 2024 showed that Shein was rated as the most successful startup in the past decade, with a success index of 87.12. The same survey discovered that monthly searches for the SHEIN brand reached an average of 66 million global searches (Annex 9).*
>
> *Also, the Complainant and its SHEIN brand have a huge media presence throughout the world on a daily basis. Some of the most prestigious magazines such as Forbes, Financial Times and BBC are intensively publishing articles about various topics concerning Shein. (Annex 10)*
>
> *The Complainant entered the spotlight and its SHEIN trademark became widely recognizable throughout the world in the era of Covid-19 pandemic, when online shopping took off and Shein's sales soared. This can be seen from the fact that Google searches for the term SHEIN have significantly increased from March 2020, having its peak in 2023, when the disputed domain name was registered. Statistics provided by Google Trends show how the interest in searches for the term SHEIN was rising over time (Annex 11).*

The disputed domain name incorporates Complainant's distinctive trademark SHEIN without any additional terms (Annex 2).

The ccTLD ".pk" in the disputed domain name should be viewed as a standard registration requirement and disregarded and therefore, the disputed domain name should be considered as identical with the Complainant's SHEIN trademark. The same has been confirmed within Section 1.11 of WIPO Overview 3.0: "The applicable Top Level Domain ("TLD") in a domain name (e.g., ".com", ".club", ".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test." Furthermore, the previous DNDRC panels have established that ccTLD ".pk" would not prevent finding of confusing similarity or obvious derivation, as the addition of the ccTLD suffix does not create any distinctive distinction that may eliminate the possibility of confusion by the Complainant's Customers (see, for example, SNGPL v. Syed Haider, DNDRC Case No. C2010-0001- https://www.dndrc.com/cases_resolved/pdf/c2010_0001.pdf).

If the TLD in the disputed domain name is disregarded, as it should be when taking into consideration the above, it is clear that the remaining part of the disputed domain name is identical to the Complainant's SHEIN trademark and is, therefore, highly likely to be mistaken for it.

Due to the global fame of the Complainant's SHEIN trademark, the public has learned to perceive the goods offered under this mark as being those of the Complainant.

Accordingly, the disputed domain name creates a clear likelihood of confusion with the Complainant's SHEIN trademark. This domain name could mislead Internet users into thinking that it is, in some way, associated with the Complainant and the applicable ccTLD ".pk" may lead to a false conclusion that it is official presentation of Complainant's products for Pakistan market.

For all of the above-mentioned reasons, the disputed domain name is identical with the SHEIN trademark in which the Complainant has rights, and therefore the condition of Paragraph 4(a)(i) is fulfilled.

The Respondent has not submitted any response.

The Panel acknowledges that UDRP panels have consistently held that a domain name is identical or confusingly similar to trademarks under the Policy when the trademark concerned is recognizable within a DDN regardless of the addition of other terms (regardless of whether their effect is descriptive, geographical, pejorative, meaningless or otherwise). This principle can be seen upheld in the case of *Government Employees Insurance Company ("GEICO") v. Contact Privacy Inc. Customer* 7151571251 / *kendrick Whiteman, geico* Case No. D2022-3173, alongside several other WIPO and DNDRC cases.

The Panel, by applying the test set out under paragraph 1.7 of the UDRP policy and through comparing the DDN to the Complainant's trademark, finds that the DDN incorporates the entirety of the trademark.

The Panel notes that the DDN wholly incorporates the Complainant's SHEIN trademark without any alterations or additional elements. WIPO precedents have held that the complete inclusion of a distinctive mark within a domain name is generally sufficient to establish confusing similarity.

The Panel further observes that, in accordance with Section 1.11 of WIPO Overview 3.0, the applicable Top-Level Domain (TLD), in this case ".pk," is a standard registration requirement and should be disregarded when assessing confusing similarity. Prior decisions by the DNDRC, such as *SNGPL v. Syed Haider*, have confirmed that the presence of a ccTLD does not create a meaningful distinction. Consequently, when the ".pk" suffix is removed, the domain name remains identical to the Complainant's trademark.

The Panel takes into account the Complainant's evidence demonstrating that SHEIN is a globally recognized brand in the fast-fashion industry. Independent research from Money (2022) and Vention (2024), along with significant media coverage from reputable sources, establish that the mark enjoys a high degree of recognition. Given this level of prominence, internet users are likely to associate the DDN with the Complainant.

Considering the widespread reputation of the SHEIN trademark and the identical nature of the DDN (once the ccTLD is disregarded), the Panel finds that there is a significant likelihood of confusion. Internet users may mistakenly believe that the domain is affiliated with, endorsed by, or an official platform of the Complainant. The presence of the ".pk" ccTLD may further reinforce such an assumption by suggesting an official representation of the Complainant's business in Pakistan.

In light of the above findings, the Panel concludes that the DDN is identical to the SHEIN trademark, in which the Complainant holds rights. Accordingly, the first element under Paragraph 4(a)(i) of the policy is satisfied.

III. Legitimate interests in a domain name

As per paragraph 4(c), the UDRP requires the Respondent's claim to be of legitimate interest and shall be:

> "*proved based on all evidence presented*" that *"shall demonstrate"* the Respondent's "*rights or legitimate interests to the domain name for purposes of* Paragraph 4(a)(ii)*."*

Paragraph 4(a)(ii) states that:

> *"(i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or*
>
> *(ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or*
>
> *(iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue."*
>
> *The Complainant asserts that the Respondent is unable to invoke any of the circumstances set out in paragraph 4(c) of the Policy that would demonstrate its rights or legitimate interests in the Domain Name.*

The Complainant has contended the following:

> *The Respondent is not affiliated with the Complainant in any way and has not been authorized by Complainant to use and register its SHEIN trademark or to seek registration of any domain name incorporating said mark. Previous UDRP panels have found that in the absence of any license or permission from the complainant to use such a widely-known trademark, no actual or contemplated bona fide or legitimate use of the domain name could reasonably be claimed (LEGO Juris A/S v. DomainPark Ltd, David Smith, Above.com Domain Privacy, Transure Enterprise Ltd, Host master, WIPO Case No. D2010-0138 - https://www.wipo.int/amc/en/domains/decisions/text/2010/d2010-0138.html).*

Based on all available information, Respondent did not demonstrate use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. Indeed, the disputed domain name currently resolves to an active website seemingly offering clothes, shoes and accessories at heavily discounted prices (Annex 6). The Complainant has never concluded any agreement, gave any license or otherwise authorized or allowed the Respondent to use its SHEIN trademark in any way. Therefore, it is clear that Respondent has no intention to develop a legitimate activity through the disputed domain name.

To the best of the Complainant's knowledge, Respondent is neither commonly known by the name "SHEIN" nor in any way affiliated with Complainant.

Previous panels have found under the Policy that "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." (Section 2.1 of the WIPO Overview 3.0).

Previous panels have found that in cases where the content of a webpage indicates that the reseller, repairer or distributor is using a complainant's trademark to undertake sales or repairs related to the complainant's goods or services, the domain owner may be making a bona fide offering of goods and services and thus have a legitimate interest in such domain name. In order for such use to be considered as legitimate, the following conditions from the "Oki Data Test" must be fulfilled: (1) the respondent must actually be offering the goods or services at issue; (2) the respondent must use the site to sell only the trademarked goods or services; (3) the site must accurately and prominently disclose the registrant's relationship with the trademark holder; and (4) the respondent must not try to "corner the market" in domain names that reflect the trademark (Oki Data Americas, Inc. v. ASD, Inc., WIPO Case No. D2001-0903 – https://www.wipo.int/amc/en/domains/decisions/html/2001/d2001-0903.html).

In the case at hand, although the Respondent might have fulfilled the first requirement of the test as the goods at issue might have been offered, the latter three requirements of the test have not been met. Namely, on the website under the disputed domain name, besides SHEIN products, products of other brands are offered as well. The relationship between the Complainant and the Respondent was not clearly disclosed on the website. As previously indicated, Respondent is not an authorized representative of the Complainant, *nor has it ever been. Furthermore, the Respondent has attempted to monopolize the market by registering domain name containing SHEIN trademark under ".pk" ccTLD. As a result, the Complainant is prevented from registering the domain name that corresponds to its trademarks on the ".pk" ccTLD. Considering that, it is clear that the requirements of the "Oki Data Test" are not fulfilled.*

It is relevant to note that the "Oki Data Test" was formulated in a case in which the respondent was an authorized reseller, which is not the case here. Previous panels have found that the "Oki Data Test" should be applied only in cases of authorized resellers, repairers and distributors (BSH Home Appliances Corporation v. Michael Stanley / Michael Sipo, WIPO Case No. D2014-1433 – https://www.wipo.int/amc/en/domains/search/text.jsp?case=D2014-1433).

Complainant has never authorized Respondent to offer for sale and sell the Complainant's products which creates doubt that the Respondent had been offering and selling the counterfeit products of the Complainant through the website under the disputed domain name. Additionally, all products on the website had been offered for sale at discounted prices and the Respondent concealed its identity, suggesting the Respondent's illegal activity in the form of selling the counterfeit goods. These circumstances clearly indicate that the Respondent used the disputed domain name for commercial activity and it certainly cannot be considered as legitimate non-commercial use of the disputed domain name. Previous UDRP panels held that the use of a domain name for illegal activity such as sale of counterfeit goods, can never confer rights or legitimate interests on a respondent, in accordance with Section 2.1.3 of WIPO Overview 3.0.

For all of the above-cited reasons, it is undoubtedly established that Respondent has no rights or legitimate interests in respect to the disputed domain name in accordance with Paragraph 4(a)(ii) of the Policy.

The Respondent has not submitted any response:

For the purposes of this criterion, if the Complainant contends that that the Respondent lacks legitimate interest, it will be sufficient to shift the burden of proof on to the Respondent to prove otherwise (See *MicroBilt Corporation v. Greg J Michalko Case No. D2024-2212*). The Panel notes that a prima facie case has been established against the Respondent by the Complainant's contention that the Respondent lacks a legitimate interest.

The Respondent must now provide satisfactory evidence that demonstrates otherwise and failure to do so would result in the second element being satisfied by the Complainant. However, due to a lack of response from the Respondent, the Panel is unable to ascertain whether the Respondent has a legitimate interest in the DDN.

Therefore, the Panel concludes that the Complainant has established a prima facie case that the Respondent lacks legitimate interest in the DDN. The Panel further finds that the Respondent has failed to establish that it has legitimate interest in the DDN.

The Panel therefore finds that the Respondent does not have any legitimate interest in the DDN.

IV. Registration and use in bad faith

The Complainant has made the following submission:

> *Paragraph 4(a) (iii) of the Policy requires the Complainant to prove that the Respondent registered and used the disputed domain name in bad faith. The language of Paragraph 4(a) (iii) of the Policy requires both bad faith registration and bad faith use to be proven.*
>
> *a) Registration in bad faith*
>
> *It is implausible that the Respondent was unaware of the Complainant and its SHEIN trademark when registering the disputed domain name. Bad faith can be found where a respondent "knew or should have known" of a complainant's trademark rights and nevertheless, registered a domain name in which he had no right or legitimate interest. In accordance with Section 3.2.2 of WIPO Overview 3.0, previous panels have consistently considered that where the complainant's mark is widely known or highly specific, a respondent cannot credibly claim to have been unaware of the mark.*
>
> *It should be noted that the Complainant and its SHEIN trademark are well-known throughout the world. Due to exceptional media presence of the Complainant and its SHEIN trademark throughout the last decade, especially from 2020 to the present, it is difficult to imagine that Respondent did not have Complainant in mind when registering the disputed domain name. Moreover, Respondent notifies the visitors of the website under the disputed domain name that all of the products there are procured by Shein, which is a clear indication that Respondent had Complainant and its SHEIN brand in mind when registering the disputed domain name.*

Bad faith has already been found where a domain name is so obviously connected with a well-known trademark that its very use by someone with no connection to the trademark suggests opportunistic bad faith (Veuve Clicquot Ponsardin, Maison Fondée en 1772 v. The Polygenix Group Co., WIPO Case No. D2000-0163 – https://www.wipo.int/amc/en/domains/decisions/html/2000/d2000-0163.html and Sanofi-Aventis v. Nevis Domains LLC, WIPO Case No. D2006-0303 – https://www.wipo.int/amc/en/domains/decisions/html/2006/d2006-0303.html).

The Respondent deliberately registered the disputed domain name in bad faith, targeting the Complainant's trademark for commercial gain and to disrupt its business. However, even without such a scenario a quick search for SHEIN trademark would have revealed to Respondent the existence of Complainant and its trademarks. Respondent's failure to do so is a contributory factor to its bad faith (Lancôme Parfums et Beauté & Cie, L'Oréal v. 10 Selling, WIPO Case No. D2008-0226 – https://www.wipo.int/amc/en/domains/decisions/html/2008/d2008-0226.html).

Supposing that Respondent was not aware of the possibility of searching trademarks online before registering the disputed domain name, a simple search via Google, Bing or any other search engine using the keyword "SHEIN" demonstrates that all the results on the first page relate to the Complainant, its activities or news (Annex 12).

In this day and age of the Internet and advancement in information technology, the reputation of brands and trademarks transcends national borders. Taking into account the worldwide reputation of the Complainant and its well-known SHEIN trademark, it is hard to believe that Respondent was unaware of the existence of Complainant and its trademark when registering the disputed domain name. In that sense, it has been held by previous panels that knowledge of a corresponding trademark at the time of the registration of a domain name suggests bad faith (Caixa D'Estalvis I Pensions de Barcelona ("La Caixa") v. Eric Adam, WIPO Case No. D2006-0464 – https://www.wipo.int/amc/en/domains/decisions/html/2006/d2006-0464.html).

Consequently, in view of the abovementioned circumstances, it is clear that the Respondent registered the disputed domain name in bad faith.

b) Use in bad faith

Apart from the registration of the disputed domain name in bad faith, there are elements that should be put forward to support the finding that the Respondent also uses the domain name in bad faith.

As previously indicated, there is little doubt in this case that Respondent was aware that the SHEIN trademark enjoys a substantial reputation worldwide. Indeed, the disputed domain name is identical to Complainants' well-known trademark SHEIN and previous panels have deemed that "a likelihood of confusion is presumed, and such confusion will inevitably result in the diversion of Internet traffic from Complainant's site to Respondent's site" (Edmunds.com, Inc. v. Triple E Holdings Limited, WIPO Case No. D2006-1095 – https://www.wipo.int/amc/en/domains/decisions/html/2006/d2006-1095.html).

The Respondent registered the disputed domain name to attract users for commercial gain, creating confusion with the Complainant's trademark regarding source or endorsement. This is evident from the identical domain name and the website content (online store offering, inter alia, SHEIN products), aligning with Paragraph 4(b)(iv) of the Policy.

The website under the disputed domain name is being used by the Respondent for selling the products with the SHEIN trademark. Moreover, the visitors are notified that all of the products there are original Shein products and a separate section on the website is dedicated solely to the "Shein brand" (Annex 6). Since there was no agreement, or other authorization given by the Complainant to the Respondent for such activity, there is a certain possibility that the Respondent had been selling counterfeit products through the disputed domain name. In accordance with Section 3.1.4 of WIPO Overview 3.0 use of a domain name for illegal activity such as sale of counterfeit goods, is manifestly considered evidence of bad faith.

Finally, it is likely that Respondent registered the disputed domain name to prevent Complainant from registering the domain name corresponding to its SHEIN trademark within ".pk" ccTLD. According to a former panel, this type of conduct constitutes evidence of Respondent's bad faith (L'oreal v. Chenxiansheng, WIPO Case No. D2009-0242 – https://www.wipo.int/amc/en/domains/decisions/html/2009/d2009-0242.html).

The Respondent's actions suggest an intent to benefit from the Complainant's trademark fame, indicating that their primary motive in registering and using the disputed domain was to exploit the Complainant's trademark rights.

All the aforementioned circumstances confirm that the disputed domain name is used in bad faith.

Consequently, it is established that the Respondent both registered and used the disputed domain name in bad faith in accordance with Paragraph 4(a)(iii) of the Policy.

The Respondent has not submitted any response:

Regarding registration in bad faith, the Panel concludes that it is highly unlikely that the Respondent was unaware of the Complainant's SHEIN trademark at the time of registration. The Complainant has demonstrated that its SHEIN trademark is widely recognized worldwide, particularly due to its significant media presence and high search volume. Prior decisions under the UDRP have consistently found that where a trademark is well known, a respondent cannot credibly claim ignorance of the mark when registering an identical or confusingly similar domain name.

The Panel also takes into account that the Respondent explicitly references Shein on the website associated with the DDN, indicating clear awareness of the Complainant's brand. The evidence provided, including prior UDRP cases, establishes that registration of a domain name closely linked to a well-known trademark, particularly in the absence of any rights or legitimate interests, is indicative of opportunistic bad faith.

The Panel further notes that a basic online search for "SHEIN" would have immediately revealed the Complainant's rights in the mark. Previous UDRP decisions have held that a failure to conduct such due diligence or, alternatively, a deliberate decision to register a well-known mark despite its established reputation, supports a finding of bad faith.

As for use in bad faith, the Panel finds that the Respondent's operation of an online store under the DDN, which prominently features the SHEIN trademark and offers products purportedly from Shein, is highly likely to create confusion among consumers. The website's content suggests that the Respondent is attempting to mislead Internet users into believing that it is affiliated with or authorized by the Complainant, a classic example of bad faith use under Paragraph 4(b)(iv) of the Policy.

Moreover, the Respondent has not disclosed any relationship with the Complainant, nor has the Complainant granted any authorization for the use of its trademark. The risk of counterfeit sales through the DDN further strengthens the finding of bad faith, as prior UDRP panels have consistently determined that the sale of counterfeit goods constitutes clear evidence of bad faith use.

The Panel also notes that the registration of the DDN may have been intended to prevent the Complainant from securing its own domain name under the ".pk" ccTLD. Previous decisions have held that such conduct constitutes bad faith registration and use.

The facts and evidence presented by the Complainant lead the Panel to conclude that the Respondent registered and used the DDN in bad faith, fulfilling the requirements of Paragraph 4(a)(iii) of the Policy.

7. Decision

The Panel, upon reviewing the information provided, finds that the disputed domain name (DDN) incorporates the Complainant's "SHEIN" trademark in its entirety, and the Respondent does not possess legitimate rights over it. The use of the DDN could seriously hinder the Complainant's exercise of its trademark rights and jeopardize its reputation by causing confusion regarding the ownership of the DDN. The Respondent has registered and used the DDN in bad faith, likely aware of the Complainant's well-known mark, and its use of the DDN for commercial gain further suggests bad faith. Therefore, the Panel concludes that the Respondent has both registered and used the DDN in bad faith.

Keeping in consideration the aforementioned discussion, the Panel finds that:

1. The Respondent's registration of the DDN violates the PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19);
2. The DDN is identical to the registered trademark of the Complainant;
3. The Respondent has no legitimate interest in the DDN;
4. The DDN was registered and is being used in bad faith.

Pursuant to Section 4 of the Policy, the Panel, therefore, recommends that PKNIC transfer the registration of the domain name in dispute <shein.pk> to the Complainant, as prayed, within 48 hours of receipt of this decision either by email or through the website where it will be uploaded, www.dndrc.com/cases_resolved/, whichever is earlier. The Complainant shall also be at liberty to contact PKNIC for implementation of this decision.

Arbitrator: Rayyan Altaf
Sole Panelist
Date: 6 February 2025