# Panel Decision for dispute CAC-ADREU-008817

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| Case number | **CAC-ADREU-008817** |
| Time of filing | **2025-10-31 11:29:35** |
| Domain names | **qcy.eu** |

## Case administrator

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| Organization | **Iveta Špiclová (Czech Arbitration Court) (Case admin)** |

## Complainant

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| Organization | **Hong Kong Hele Electronics Limited** |
| Organization | **Dongguan Hele Electronics Co., Ltd.** |

## Complainant representative

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| Organization | **Chofn Intellectual Property** |

## Respondent

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| Organization | **BASEG** |

FACTUAL BACKGROUND

The Complainant are Dongguan Hele Electronics Co., Ltd. Company registered under the law of Chinese People's Republic and its subsidiary - Hong Kong Hele Electronics Limited, a company registered under the laws of Hong Kong (Hong Kong Special Administrative Region of the People's Republic of China, hereinafter referred to jointly as Complainant). The Complainant is the owner of QCY- a Chinese audio company, one of the world's largest manufacturers of wireless audio devices such as headphones. Dongguan Hele Electronics Co., Ltd., established in 2009, is a Chinese high-tech enterprise integrating R&D, production, sales and services, specializing in wireless audio and smart electronic products.

The Respondent – BASEG – is an entrepreneur with registered seats in Łask, Poland.

The disputed domain <qcy.eu> was registered on 19 July 2023. Under the disputed domain there are no particular information indicating on the Respondent nor his business activity. That domain resolves to a parking page where is offered for sale for 4500€.

On 12 August 2025 the Complainant filed its Complaint, and the receipt of the Complaint was acknowledged by the ADR on 20 August 2025. On 20 August 2025 ADR issued a request for EURid verification, due to several issues that needed to be verified:

that the specified domain name(s) is / are registered with the above-mentioned Registrar;

that the Respondent is the current registrant of the domain name(s);

full contact details (i.e., postal addresses, telephone number(s), facsimile number(s), e-mail address(es) that are available in your WHOIS database for the domain name registrant, technical contact, administrative contact and billing contact, for the above domain name(s);

that the domain name(s) will remain locked during the pending ADR Proceeding;

Apart from that, Complainant was requested to indicate the specific language of the registration agreement as used by the registrant for each domain name.

On 21 August 2025 ADR checked the Complaint and notified the Complainant of the noted deficiencies, requesting to submit amended version of the Complaint. On 22 August 2025 the Complainant submitted the amended Complaint. The formal date of the commencement of the ADR Proceeding is 22 August 2025.

On 22 August 2025 Complainant send to the ADR a communication in which it provided all of the requested information, including the amended version of the Complaint, that allowed ADR to commence the proceedings in the case at hand on 22 August 2025.

The Respondent file his response on 28 September 2025, which was also acknowledged by the ADR on 28 September 2025 and admitted to proceed further in the ADR Proceeding on 30 September 2025. On 20 October 2025 the Respondent filed an additional statement.

As for the language of the proceedings, the specific language of the registration agreement as used by the registrant for each domain name was Polish. Due to the fact, that the Respondent filed his response in English and proven adequate knowledge of that language (Paragraph A.3.(a) – (c) of the ADR Rules), the Complainant selected English language as the language of the proceedings, the Panelist accepted that the Parties agreed to proceed in English in this case.

On 7 October 2025 the Panelist, having filed the necessary Statement of Acceptance and Declaration of Impartiality and Independence had been appointed.

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A. COMPLAINANT

The Complainant underline that they are members of a well-known company Group, operating in many countries with a renowned position worldwide in terms of wireless audio devices such as headphones.

Complainant has indicated on the following claims towards the Respondent in the case at hand:

1) The disputed domain name is identical or confusingly similar to a name in respect of which a right is recognised or established by national and/or Community law;

2) The Respondent has no rights or legitimate interests in respect of the disputed domain name

3) The disputed domain name has been registered or is being used in bad faith.

Addressing the first claim, the Complainant indicated that is the owner of many trademarks' rights, registered under regional and international jurisdictions, containing the name or comprising of 'qcy' well before the registration of the disputed domain name <qcy.eu> Complainant specifically indicated on the following:

1) The European figurative trademark QCY n°015280159 filed on 29 March 2016, registered on 19 July 2016, for the goods in Class 9 of the NIce Classification

2) The European figurative trademark QCY n°015609001 filed on 05 July 2016, registered on 24 October 2016, for the services in Class 35 of the NIce Classification

3) The European figurative trademark QCY n°018328177 filed on 29 October 2016, registered on 18 February 2021, for the goods in Class 9 of the NIce Classification

4) International Trademark Registration figurative trademark QCY n°1823361 filed and registered on 13 September 2024 for the goods in Class 9 of the NIce Classification designating, inter alia, territory of Liechtenstein, Monaco, Montenegro and Switzerland.

The Complainant also submitted proof for ownership of numerous evidences of usage of the name QCY on the market relating to his enterprise, containing or comprising of the wording QCY, such as articles available online describing market shares of the biggest manufacturers and producers of wireless audio devices, including headphones.

Moreover, the Complainant has also submitted evidence - agreement concluded with company INNPRO Robert Błędowski sp. Z o.o. - subject of which was an exclusive distribution agreement for goods marketed under 'qcy' trademarks on the territory of Poland with strict rules for using of Complainant IP rights to the QCY trademarks, trade names etc. Complainant indicated that this agreement proves introduction and presence of QCY labelled products on the market.

The Complainant has become aware of the fact that the Respondent has registered domain name <qcy.eu> which is almost identical to his earlier designations and trade names. Complainant indicated that the disputed domain name is identical as his earlier designations.

Complainant indicated that the addition of the ccTLD “.EU” does not change the overall impression of the designation as being connected to the Complainant’s trademark and designations. Furthermore, Complainant indicated, that the disputed domain name is similar to the point of confusion with the earlier rights of the Complainant, which may result in, inter alia, potential association or affiliation of the disputed domain with the Complainant.

The Complainant also stated that when comparing the disputed domain name and the Complainant’s trademark in this case, the relevant comparison should only focus on the second-level part of the domain name (the main identifying part mentioned below) and the Complainant’s trademark. The meaning of the suffix ".eu" does not affect in the perception of the Complainant, the determination of the first element in this case, the addition of the country code top-level domain (CCTLD) suffix ".eu” does not have the capacity to distinguish the disputed domain name from the Complainant’s prior rights. The disputed domain name <qcy.eu> without the ‘.eu’ suffix, is identical as Complainants’ trademark – ‘qcy’. The Complainant stated his believe that QCY itself did not correspond to a common word in Polish, English, Latin and other languages, and that searches for QCY on any major search engine yield results related to the Complainant and its trademark. This fact demonstrates the Complainant's and its trademark's fame and influence. Consequently, the Complainant argues that the QCY trademark has acquired distinctiveness through the Complainant's extensive use.

In accordance to the second claim, Complainant stated that the Respondent has no right or legitimate interest in respect of the disputed domain name.

In that regard, Complainant indicated that due to his best knowledge Respondent was not well known as a provider of certain goods or services under the disputed domain name. The Complainant also stated that searches for prior intellectual property rights of Respondent to the QCY trade name in favour of the respondent were made and none confirmed legitimate interest to that name for Respondent.

Moreover, Complainant indicated, that the Respondent was not affiliated with nor authorized by the Complainant in any way. The Complainant contended that the Respondent had no rights or legitimate interests in respect of the disputed domain name. The Complainant did not carry out any activity for, nor had any business with the Respondent. Neither license nor authorization had been granted to the Respondent to make any use of the Complainant’s trademark QCY or to apply for registration of the disputed domain name by the Complainant.

In addition to the above, Complainant also provided evidence for the fact that the disputed domain name resolves to a parking page where the disputed domain name is offered for sale.

The Complainant contended this general offer to sell the disputed domain name evidences the Respondent’s lack of rights or legitimate interest.

Due to the evidences provided by the Complainant, he argued that it is safe to assume that the Respondent did not have any kind of rights to the name ‘qcy’, nor legitimate interests in registration.

In accordance to the third claim, Complainant contended that the Respondent has registered and is using the disputed domain names in bad faith.

In support of that argument, the Complainant has referred to the distinctive nature of his earlier designations, which was confirmed by, inter alia, ….

One of the annexes to the Complaint is – proof for prizes and honors received by the Complainant before the registration of the disputed domain, indicating the well-founded position on the market and general recognition of the products marketed under designations/trademarks QCY;

In accordance to that, Complainant stated that it was reasonable to infer that the Respondent has registered the domain name with full knowledge of the Complainant's trademark and domain names, with intention to use the domain in expectation for Internet users searching for the Complainant’s services and products would instead (either by mistake or intentionally) come across the site under the disputed domain. In Complainants opinion the Respondent is using the disputed domain name to attract Internet users by creating a likelihood of confusion with the Complainant’s earlier marks.

Moreover, in support of the bad faith claim in accordance to the Respondent, the Complainant stated that it has come to his attention that Respondent has also recently registered a domain under name ‘BASEUS’ – <baseus.eu> - which Is also a name of the well-known producer of the sound systems and wireless devices such as headphones, operating in the similar branch of the market as Complainant. Website under the domain <baseus.eu> is also offered for sale and no particular activity is presented on this. Complainant also stated that the disputed domain name has not been used normally for 2 years since its registration. The Complainant expressed his belief that the purpose of the Respondent registering the domain name was to prevent the holder of a name in respect of which a right is recognised or established by national and/or European Union law, or a public body, from reflecting this name in a corresponding domain name. In accordance to this, the Complainant concludes that most likely Respondent, acting in bad faith in light of the relevant regulations, engages in a specific practice consisting in registering internet domains using other entities trade names, trademarks and designations, including in particular the designations of well-known companies/manufacturers of audio equipment.

The Complainant claimed also that the Respondent fails to make an active use of the disputed domain name and that the Respondent has registered the disputed domain name only in order to sell it back for out-of-pockets costs, which evinces bad faith registration and use.

Due to the afore, in Complainants opinion, Respondent knew or should have known that registering his domain name he infringes earlier Complainants rights.

Complainant contended also that the domain name was registered and arise being used in bad faith by the Respondent. This, in the opinion of the Complainant, should have been taken into consideration by the Panel in all of the presented circumstances, not limiting to the actual usage of the domain in bad faith, but the bad faith of the Respondent registering the disputed domain.

## B. RESPONDENT

In his response, the Respondent stated, that the Complainant did not ask about price for the disputed domain, nor were they interested in making any offer for this domain. Moreover, the Respondent stated that the Complainant did not offer any kind of cooperation, which, as the respondent believed, was a result of Complainant being aware of its cooperation with a rival company – Baseus. With regard to its activities, Respondent stated that it cooperated with Baseus since 2017, and as a result of that cooperation a <baseus.eu> domain was created, under which Respondent is began distributing products of Baseus via online shop in 2025. Respondent underlined that it also cooperates with other entities and brands.

Commenting on the annexes to the Complaint, Respondent stated that the offer presented in Annex 14 was not his, as he stated that he does not sell on Sedo and also claimed that BASEG firm is registered and based in Poland not Germany. Respondent stated that claims of the Complainant based on Annex 14 are untruthful.

Respondent also suggested that Complainant abandoned and was not interested in upkeeping the distinctiveness of his designations or domains, since, particularly, from 2009 until 2024 Complainant did nothing to secure domains with the subjected brand name – ‘qcy’. Respondent claimed that it demonstrated that the subjected name was not important enough for Complainant. Moreover, Respondent underlined that they did not engage in any activities with the subjected domain.

Respondent stated that they purchased subjected domain on 29 June 2024 and that it was not register/created by the Respondent, but it was active since 2013 – as per link to the Wayback Machine search engine. Respondent also expressed his belief that the domain was therefore registered before the date of registration presented in the evidence material brought by the Complainant, but did not provide any evidence material in support of that claim.

In additional letter submitted on 20 October 2025 the Respondent stated that ‘3 letter domains’ were typically used for acronyms therefore owning a domain of this type should not be forbidden if there is no malicious intent or improper use. In support of that, Respondent provided a list of examples, including Domain can be used in any kind of business, including: ‘sweets’, ‘yummies’. Respondent also stated that provided that he will be forced to give up that domain, owner of ADR brand should be able to get adr.eu domain from the ADR.

## DISCUSSION AND FINDINGS

In accordance to the material collected in the case at hand, it was proven without a doubt that the Complainant had earlier rights to the name ‘qcy’ than the date of the registration of the disputed domain. Moreover, based on the Complainant’s evidence and historical description, it should be concluded that the Complainant’s trademark and corresponding tradename are distinctive and relatively well-known.

The Respondent (residing in Poland) used the disputed name in the contested domain ‘qcy.eu’, despite undeniable awareness of the popularity and reputation of the highly similar designation ‘qcy’, his trademarks and domain name. In the view of the herein Panel, no particular activity on preparation or actual using the name ‘qcy’ in the market by the Respondent were established in the herein case, justifying the usage of that name in the domain.

In accordance to that, the Panel finds that the Respondent did not have any kind of rights to the name and no particular interest in registering such name that could be derived from any rights.

In the view of the gathered evidences in the case at hand, the disputed domain was used by the Respondent primarily in order to attract Internet users by creating a likelihood of confusion with the Complainant’s earlier marks, designations and trade names, profiting from their (intended or not) entrance to the website under the disputed domain. Website under the domain <qcy.eu> is a parking page where is offered for sale. That practise is to be considered as an infringement of Complainant’s rights, and a criminal offence, pursued by the provision of Polish law (law applicable to the Respondent).

In accordance to Article 4 (4) of Regulation (EU) 2019/517 of the European Parliament and of the Council of 19 March 2019 on the implementation and functioning of the .eu top-level domain name and amending and repealing Regulation (EC) No 733/2002 and repealing Commission Regulation (EC) No 874/2004 (hereinafter referred to as: ‘Regulation’) A domain name may also be revoked, and where necessary subsequently transferred to another party, following an appropriate ADR or judicial procedure, in accordance with the principles and procedures on the functioning of the .eu TLD laid down pursuant to Article 11, where that name is identical or confusingly similar to a name in respect of which a right is established by Union or national law, and where it:

(a) has been registered by its holder without rights or legitimate interest in the name; or

(b) has been registered or is being used in bad faith.

In accordance to Article 4 (6) and 3 (a) – (b) of the Regulation - Domain names registered under the .eu TLD shall be transferable only to parties eligible for registration of .eu TLD names. Registration of one or more domain names under the .eu TLD can be requested by any of the following:

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| (a) | a Union citizen, independently of their place of residence; |

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| (b) | a natural person who is not a Union citizen and who is a resident of a Member State; |

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| (c) | an undertaking that is established in the Union; and |

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| (d) | an organization that is established in the Union without prejudice to the application of national law. |

Moreover, in accordance to the provisions of Part B(11)(e)(1)-(3) .eu Alternative Dispute Resolution Rules (hereinafter referred to as: "ADR Rules") a legitimate interest may be demonstrated where:

(1) prior to any notice of the dispute, the Respondent has used the domain name or a name corresponding to the domain name in connection with the offering of goods or services or has made demonstrable preparation to do so;

(2) the Respondent, being an undertaking, organisation or natural person, has been commonly known by the domain name, even in the absence of a right recognised or established by national and/or European Union law;

(3) the Respondent is making legitimate and non-commercial or fair use of the domain name, without intent to mislead consumers or harm the reputation of a name in respect of which a right is recognised or established by national law and/or European Union law.

In the case at hand, regardless of the illegal nature of the activity of the Respondent, none of the abovementioned circumstances, indicating on the justified interest in registering and using the domain, were established. Furthermore, the disputed domain is identical to the Complainant designation and should have been known by the Respondent. Moreover, the Disputed domain most probably was created in order to imitate the former, which undermines legitimacy of any kind of interests that the Respondent could have demonstrate

In accordance to the provision of Article Part B(11)(f)(1)-(5) ff the ADR Rules, registering or using the designation in the bad faith refers to the situations, where:

(1) Circumstances indicating that the domain name was registered or acquired primarily for the purpose of selling, renting or otherwise transferring the domain name to the holder of a name in respect of which a right is recognised or established by national and/or European Union law, or to a public body; or

(2) The domain name has been registered in order to prevent the holder of a name in respect of which a right is recognised or established by national and/or European Union law, or a public body, from reflecting this name in a corresponding domain name, provided that:

(i) the Respondent has engaged in a pattern of such conduct; or

(ii) the domain name has not been used in a relevant way for at least two years from the date of registration; or

(iii) there are circumstances where, at the time the ADR Proceeding was initiated, the Respondent has declared its intention to use the domain name in respect of which a right is recognised or established by national and/or European Union law or which corresponds to the name of a public body in a relevant way but failed to do so within six months of the day on which the ADR Proceeding was initiated;

(3) the domain name was registered primarily for the purpose of disrupting the professional activities of a competitor; or

(4) the domain name was intentionally used to attract Internet users, for commercial gain to the Respondent’s website or other online location, by creating a likelihood of confusion with a name in respect of which a right is recognised or established by national and/or European Union law, or it is a name of a public body, with such likelihood arising as to the source, sponsorship, affiliation or endorsement of the website or location or of a product or service on the website or location of the Respondent; or

(5) the domain name is a personal name for which no demonstrable link exists between the Respondent and the domain name registered.

In accordance to the above it has to be noted, that the contested domain was registered and used in bad faith by the Respondent. Due to the evidences gathered in the proceedings, the domain <qcy.eu> served primarily as a parking page with an offer for its sale. Identical name of the disputed domain to the distinctive and popular earlier designations of the Complainant was intended to profit from the impression that there is a relation between the disputed domain name and the Complainant. Confusion may arise also as to the source, sponsorship, affiliation or endorsement of the website or location or of a product or service on the website or location of the holder of a domain name.

In the opinion of the herein Panel the disputed domain was intended to be used in such manner from the moment of its registration.

Domain names registered under the .eu TLD shall be transferable only to parties eligible for registration of .eu TLD names.

DECISION

For all the foregoing reasons, in accordance with Paragraphs B12 (b) and (c) of the Rules, the Panel orders that the domain name <qcy.eu> be revoked.

## PANELISTS

| Name | **Mariusz Kondrat** |
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DATE OF PANEL DECISION 2025-10-31

## Summary

ENGLISH SUMMARY OF THIS DECISION IS HEREBY ATTACHED AS ANNEX 1

I. Disputed domain name: qcy.eu

II. Country of the Complainant: China, Hong Kong, country of the Respondent: Poland

III. Date of registration of the domain name: 19 July 2023

IV. Rights relied on by the Complainant (B(11)(f) ADR Rules) on which the Panel based its decision:

1) The European figurative trademark QCY n°015280159 filed on 29 March 2016, registered on 19 July 2016, for the goods in Class 9 of the NIce Classification

2) The European figurative trademark QCY n°015609001 filed on 05 July 2016, registered on 24 October 2016, for the services in Class 35 of the NIce Classification

3) The European figurative trademark QCY n°018328177 filed on 29 October 2016, registered on 18 February 2021, for the goods in Class 9 of the NIce Classification

4) International Trademark Registration figurative trademark QCY n°1823361 filed and registered on 13 September 2024 for the goods in Class 9 of the NIce Classificationdesignating, inter alia, territory of Liechtenstein, Monaco, Montenegro and Switzerland.

5) (Other) the name used in the settled course of the trade (trade name)

V. Response submitted: Yes

VI. Domain name is identical as the protected rights of the Complainant.

VII. Rights or legitimate interests of the Respondent (B(11)(f) ADR Rules):
1. No
2. Why:

1. No registration of any kind related to the domain name under dispute.
2. Not commonly known by the domain name.
3. The holder of a domain name is not making a legitimate and non-commercial or fair use of the domain name.

VIII. Bad faith of the Respondent (B(11)(e) ADR Rules):
1. Yes
2. Why:

1. The domain name was registered primarily for the purpose of improper gains, disrupting the professional activities of the Compliant, in an attempt to impersonate the Compliant, offering the disputed domain for sale.

2. The domain name was intentionally used to attract Internet users, for commercial gain, to the holder of a domain name website or other on-line location, by creating a likelihood of confusion with a name on which a right is recognized or established by national and Community law, such likelihood arising as to the source, sponsorship, affiliation or endorsement of the website or location or of a product or service on the website or location of the holder of a domain name.

3. The domain name is highly similar to the name of a Complainants' company, and the Panel has not been proved to have any connection between the Respondent and the registered disputed domain name. Nor is any such connection apparent;

IX. Other substantial facts the Panel considers relevant: None

X. Dispute Result: Revocation of the disputed domain name

XI. Procedural factors the Panel considers relevant: None

XII. Is Complainant eligible? No