



**URS | DETERMINATION**  
(URS Procedure 9, URS Rules 13)

**URS DISPUTE NO. C934F1BC**

Determination DEFAULT

**I. PARTIES**

Complainant(s): JORGE, SL (SP)  
Complainant's authorized representative: SAAT, SL (SP)

Respondent(s): MASHUAI (CN)

**II. THE DOMAIN NAME(S), REGISTRY OPERATOR AND REGISTRAR**

Domain Name: FORTUNEPIG.VIP  
Registry Operator: Registry Services, LLC  
Registrar: Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn)

**III. PROCEDURAL HISTORY**

Complaint submitted: 2024-04-12 11:29  
Lock of the domain name(s): 2024-04-15 23:13  
Notice of Complaint: 2024-04-16 15:27  
Default Date: 2024-05-01 00:00  
Notice of Default: 2024-05-01 09:31  
Panel Appointed: 2024-05-01 09:37  
Default Determination issued: 2024-05-01 14:16

**IV. EXAMINER**

Examiner's Name: Paddy Tam

The Examiner certifies that he has acted independently and impartially and to the best of his knowledge has no known conflict in serving as the Examiner in this administrative proceeding.

**V. RELIEF SOUGHT**

The Complainant requests that the domain name be suspended for the balance of the registration period.

The Respondent has not submitted a Response.

**VI. STANDARD OF REVIEW**

Clear and convincing evidence.

**VII. DISCUSSIONS AND FINDINGS**

## **A. Complainant:**

Headquartered in Spain, the Complainant operates in the pork, agricultural and energy sectors.

The Complainant is the holder of the European Union figurative trademark "FORTUNE PIG GRUPO JORGE" No.016858045 registered on November 2, 2017 in classes 29, 35 and 39.

## **B. Respondent:**

The Respondent appears to be an individual based in Shandong, China.

## **C. Procedural findings:**

Having reviewed the communications records, the Examiner finds that MFSD has discharged its responsibility under the URS Procedure paragraphs 3 and 4 and URS Rules paragraph 4.

In accordance with URS Rules Paragraph 9(d), in absence of a Response, the language of the Determination shall be English.

## **D. Findings of fact:**

The registration date of the Disputed Domain Name is March 2, 2024.

Despite the Respondent has defaulted, the Examiner is still required to review the case on the merits of the claim. [URS 6.3]

## **E. Reasoning:**

Before discussing the substantive issues of the present case, the Examiner must highlight that the Complainant must satisfy each of the three conditions under URS 1.2.6 to succeed in the present URS complaint, and the burden of proof shall be clear and convincing evidence [URS 8.2].

### **1. The domain name(s) is(are) identical or confusingly similar to a word mark**

To satisfy URS 1.2.6.1, a Complainant shall prove its rights in a word mark which is in use and that the domain name is identical or confusingly similar to the word mark.

The Complainant claims rights in the "FORTUNE PIG GRUPO JORGE" figurative mark



through its European trademark registration. Having reviewed the trademark certificate, the Examiner notes that the term "FORTUNE PIG GRUPO JORGE" is clearly visible and readable alongside the logo on the figurative mark. The Examiner is of the view that the Complainant has proved that it has rights in the mark under URS 1.2.6.1. See *Baur Versand (GmbH & Co KG) v. wang dongming*, FA1602001661429 (FORUM March 06, 2016).

The Complainant further claims that the Disputed Domain Name fully incorporates the term "FORTUNE PIG" and is confusingly similar to the Complainant's trademark. By comparing the Complainant's trademark and the Disputed Domain name, the Examiner accepts that the Disputed Domain Name is confusingly similar to Complainant's trademark, and the new gTLD ".vip" does not negate the confusing similarity.

For the foregoing reasons, the Panel finds that the Complainant has satisfied URS 1.2.6.1.



## **2. Respondent has no rights or legitimate interests to the domain name(s)**

To satisfy URS 1.2.6.2, the Complainant must first make a prima facie case that the Respondent(s) lacks rights and legitimate interests in the domain name, and the burden of prove then shifts to the Respondent(s) to show it does have rights or legitimate interests.

The Complainant claims that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name. The Complainant has no connection with the Respondent and has not granted the Respondent any permission to use its FORTUNE PIG trademark for the Disputed Domain Name or indeed any other purpose. However, no supporting evidence of the present case has been submitted by the Complainant. The Examiner is of the view that the Complainant has not met its burden of proof to establish that the Respondent does not have rights and/or legitimate interests to the Disputed Domain Name.

The Examiner finds that the Complainant failed to satisfy URS 1.2.6.2.

## **3. The domain name(s) was(were) registered and is(are) being used in bad faith**

To satisfy URS 1.2.6.3, the Complainant must prove both the registration and use of the domain name are in bad faith.

The Complainant claims that the Respondent is using the Disputed Domain Name to connect to a website pretending to be the Complainant which is an obvious fraudulent case. However, no screenshot or any other evidence is included in the Complaint Annexes and the Disputed Domain Name does not resolve to any active content. Despite the Complainant has cited multiple domain name decisions related to the Complainant, no evidence has been provided to clarify the connection between the decisions and the present case.

Without any clear and convincing evidence presented by the Complainant, the Examiner finds that the Complainant failed to satisfy URS 1.2.6.3.

## **4. Abusive Complaint**

The Examiner finds that the Complaint was neither abusive nor contained material falsehoods.

## **VIII. DETERMINATION**

### **A. Demonstration of URS elements**

Not demonstrated

### **B. Complaint and remedy**

Complaint: Rejects

Domain Name: FORTUNEPIG.VIP

Unlocks and returns to the full control of the Registrant

### **C. Abuse of proceedings**

Finding of abuse of proceedings: Not finds

D. Publication

Publication: Publish the Determination

**SIGNATURE**

Name: Paddy

Surname: Tam

Date: 2024-05-01