



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

**URS DISPUTE NO. EE75F1A8**

Determination DEFAULT

**I. PARTIES**

Complainant(s): BANQUE PICTET AND CIE (CH)  
Complainant's authorized representative: MIIP - MADE IN IP (FR)

Respondent(s): GONGXIFACAI (HK)

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

Domain Name(s): PICTET-WEB.TOP, PICTETHK.TOP, PICTETKC.TOP,  
PICTETLINK.TOP, PICTETLIVE.TOP, PICTETLOVE.TOP, PICTETMAIN.TOP,  
PICTETWEB.TOP  
Registry Operator: .TOP Registry  
Registrar: Alibaba.com Singapore E-Commerce Private Limited

**III. PROCEDURAL HISTORY**

Complaint submitted: 2023-09-06 14:47  
Lock of the domain name(s): 2023-09-07 10:18  
Notice of Complaint: 2023-09-11 10:33  
Default Date: 2023-09-26 00:00  
Notice of Default: 2023-09-26 09:01  
Panel Appointed: 2023-09-26 09:01  
Default Determination issued: 2023-09-29 13:41

**IV. EXAMINER**

Examiner's Name: Jonathan Agmon

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 names 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:

Complainant, BANQUE PICTET AND CIE is an investment group which has been in operation for two hundred years in Switzerland and forty years in Asia. The Complainant owns several trademark registrations for the “PICTET” mark, including but not limited to International Trademark Registration No. 748934 registered on November 24, 2000, Singapore Trademark Registration No. T0017458E registered on September 26, 2002.

The Complainant also owns several trademark registrations for the “**瑞士百达**” mark including but not limited to International Trademark Registration No. 1550956 registered on June 22, 2020; Swiss Figurative Trademark No. 04045-2020; and Singapore trademark registration No. 40202019521X registered on April 13, 2021.

Complainant asserts the following against the Respondent:

1. The registered domain names are identical or confusingly similar to a word or mark [URS 1.2.6.1]: for which the Complainant holds a valid national or regional registration and that is in current use
2. Respondent has no legitimate right or interest to the domain names [URS 1.2.6.2]
3. The domain names were registered and are being used in bad faith [URS 1.2.6.3] by using the domain names Registrant has intentionally attempted to attract for commercial gain, Internet users to Registrant’s 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 Registrant’s web site or location or of a product or service on that website or location.

### B. Respondent:

The Respondent did not submit any response.

### 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:

[URS 1.2.6.1] The registered domain names are identical or confusingly similar to a word mark.  
**Determined: Finding for Complainant**

[URS 1.2.6.2] Respondent has no legitimate right or interest to the domain names.  
**Determined: Finding for Complainant**

[URS 1.2.6.3] The domain names, with the exception of <pictetkc.top>, were registered and are being used in bad faith.  
**Determined: Finding for Complainant**



[URS 1.2.6.3] The domain name <pictetkc.top>, was registered and is being used in bad faith.  
**Determined: Finding for Respondent**

#### **E. Reasoning:**

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

Complainant is the owner of the registered PICTET mark. The disputed domains are <pictet-web.top>, <pictethk.top>, <pictetkc.top>, <pictetlink.top>, <pictetlive.top>, <pictetlove.top>, <pictetmain.top>, and <pictetweb.top>.

The Panel finds that the disputed domain names comprise of the PICTET mark with the addition of the top-level domain “.top” as well as the suffixes “web”, “hk”, “kc”, “link”, “live”, “love”, “main”, and “web” do not avoid confusing similarity with the Complainant’s registered trademark.

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

Complainant has not authorized the Registrant to use its PICTET or 瑞士百达 marks. The Respondent is not commonly known by the registered domain names.

##### **3. The domain names were registered and are being used in bad faith**

With the exception in relation to the disputed domain name <pictetkc.top>, the Complainant provided evidence showing screenshots of webpages of the disputed domain names which appeared to provide forms for the collection of Internet users’ contact details under the

Complainant’s PICTET and 瑞士百达 marks. Given the evidence filed by the Complainant, with the exception of <pictetkc.top>, it is the Panel’s conclusion that the disputed domains were registered and being used in bad faith to intentionally attempt to attract for commercial gain Internet users to Registrant’s web site or other online location, by creating a likelihood of confusion with Complainant’s mark as the source, sponsorship, affiliation, or endorsement of Registrant’s website or location or of a product or services on that website or location and that the Complainant has complied with URS 1.2.6.3 (c).

### **VIII. DETERMINATION**

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

In relation to all disputed domain names except <pictetkc.top> - Demonstrated

In relation to <pictetkc.top> - Not demonstrated

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

Complaint: Accepts

Domain Name(s): PICTET-WEB.TOP

Suspends for the balance of the registration period

Domain Name(s): PICTETHK.TOP  
Suspends for the balance of the registration period

Domain Name(s): PICTETLINK.TOP  
Suspends for the balance of the registration period

Domain Name(s): PICTETLIVE.TOP  
Suspends for the balance of the registration period

Domain Name(s): PICTETLOVE.TOP  
Suspends for the balance of the registration period

Domain Name(s): PICTETMAIN.TOP  
Suspends for the balance of the registration period

Domain Name(s): PICTETWEB.TOP  
Suspends for the balance of the registration period

Complaint: Rejects

Domain Name(s): PICTETKC.TOP  
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: Jonathan  
Surname: Agmon  
Date: 2023-09-29