



(Hong Kong Office)

**ADMINISTRATIVE PANEL DECISION**

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<b>Case No.</b>	<b>HK-2001386</b>
<b>Complainants:</b>	<b>BB IN Technology Co., Ltd YANG, JEN-CHIEH (楊仁傑)</b>
<b>Respondent:</b>	<b>Feng Ying</b>
<b>Disputed Domain Names:</b>	<b>&lt;bbin.com&gt;; &lt;bbin88.com&gt;; &lt;bbin77.com&gt;; &lt;bbin66.com&gt;; &lt;bbin33.com&gt;; and &lt;bbin22.com&gt;</b>

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**1. The Parties and Contested Domain Name**

The Complainants are BB IN Technology Co., Ltd and YANG, JEN-CHIEH (楊仁傑), both of Belize City, Belize.

The Respondent is Feng Ying, of Taipei City, Taiwan.

The domain names at issue are <bbin.com>; <bbin88.com>; <bbin77.com>; <bbin66.com>; <bbin33.com>; and <bbin22.com>, registered by Respondent with Name.com Inc., of 414 14th Street #200, Denver, Colorado 80202.

**2. Procedural History**

The Complaint was filed with the Hong Kong Office of the Asian Domain Name Dispute Resolution Centre (ADNDRC) on August 17, 2020, regarding the domain names <bbin.com>; <bbin88.com>; <bbin77.com>; <bbin66.com>; <bbin33.com>; and <bbin22.com>,. On August 24, 2020, the ADNDRC verified that the Complainants satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”) and on August 24, 2020, the Respondent was notified of the Complaint. The due date of the Response was September 13, 2020. The Respondent did not file a formal Response and September 14, 2020, the ADNDRC informed the Respondent of its default. The ADNDRC appointed Francine Tan as the sole panelist in this matter on September 14, 2020.

**3. Factual background**

The 1<sup>st</sup> Complainant states that it was established in 1999 and that it is a leading gaming software developer and supplier in Asia, with successful collaborations with more than 500 clients around the world. The 1<sup>st</sup> Complainant has been the beneficial owner of the domain

name <bb-in.com> since September 1, 2005. The domain is used for the 1<sup>st</sup> Complainant's official website. The 1<sup>st</sup> Complainant licensed State Leader Co., Ltd. to hold the domain name <bb-in.com> on the 1<sup>st</sup> Complainant's behalf until April 2015 and has always used its official website to promote its online gaming products.

The Complainants' BBIN group is an active participant in gaming events and exhibitions in Asia. It has participated in the Global Gaming Expo Asia ("G2E Asia"), a premier Asian trade event and the largest regional sourcing platform for global gaming and entertainment products, for the past 7 years. Annually, more than 95% of the top Asian gaming operators attend the show.

The 2<sup>nd</sup> Complainant, YANG, JEN-CHIEH, is the CEO of the 1<sup>st</sup> Complainant. The 1<sup>st</sup> Complainant is the beneficial owner of various BBIN marks (in stylized and figurative forms) and has authorized the 2<sup>nd</sup> Complainant to hold the trademark registrations on its behalf.

The Complainants are the owner of numerous trademark registrations in Asia for the BBIN marks, including but not limited to:

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- "BBIN" (Reg. No. 302035890) registered in Hong Kong on September 20, 2011;
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- "bbin" (Reg. No. 303248343) registered in Hong Kong on December 23, 2014;
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- "寶盈集團" (Reg. No. 303920058) registered in Hong Kong on October 3, 2016;
-   
- "BBIN" (Reg. No. 9987511) registered in China on April 7, 2013;
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- "bbin" (Reg. No. 16158219) registered in China on March 21, 2016;
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- "bbin" (Reg. No. 16158428) registered in China on March 21, 2016;
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- "BBIN" (Reg. No. 01537666) registered in Taiwan on September 16, 2012;
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- "bbin" (Reg. No. 01711095) registered in Taiwan on June 1, 2015;
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- "bbin" (Reg. No. 5764174) registered in Japan on May 15, 2015;
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- "BBIN" (Reg. No. 40201402784Q) registered in Singapore on December 23, 2014;

The disputed domain names <bbin.com>; <bbin88.com>; <bbin77.com>; <bbin66.com>; <bbin33.com>; and <bbin22.com> were registered on the following dates and resolve to active websites which feature the Complainants' BBIN marks and are used in relation to online gaming and betting services:

- <bbin.com> was registered on March 31, 1993;
- <bbin88.com> was registered on January 3, 2014;
- <bbin77.com> was registered on June 14, 2014;
- <bbin66.com> was registered on July 4, 2013;
- <bbin33.com> was registered on July 25, 2014; and
- <bbin22.com> was registered on May 18, 2014.

The Respondent presents himself/herself as a provider of online platform services, some of which are similar to the online gaming services provided by the 1<sup>st</sup> Complainant.


A cease-and-desist letter was sent to the Respondent on July 22, 2020. The Respondent did not respond to the Complainants' letter.

#### 4. Parties' Contentions

##### A. Complainants

The Complainants' contentions may be summarized as follows:

- i. The disputed domain names are confusingly similar to the Complainants' BBIN marks as the letters BBIN are incorporated entirely into the disputed domain names. The numerals "88", "77", "66", "33" and "22" in five of the disputed domain names are insufficient to avoid confusing similarity with the Complainants' BBIN mark.
- ii. The Respondent has no rights or legitimate interests in respect of the disputed domain names as the Complainants have not licensed, consented to or otherwise authorized the Respondent's use and registration of any domain names consisting of the BBIN marks. Trademarks searches conducted of the Hong Kong, Mainland Chinese, Taiwanese, Japanese and Singapore IP trademarks registers have not revealed any trademark applications for "bbin88", "bbin77", "bbin66", "bbin33" or "bbin22" in the name of the Respondent.
- iii. The Respondent registered and is using the disputed domain names in bad faith. Although the disputed domain name <bbin.com> was registered in 1993 and the other disputed domain names were registered in 2013 and 2014, the domain history reports obtained by the Complainant show that the Respondent acquired the disputed domain names on dates after the dates of registration of the Complainant's various BBIN marks. The approximate period that the Respondent obtained the disputed domain names runs from January 2020 to May 2020. The Respondent, who claims to be a provider of integrated platform services including the provision of online games, must have been aware of the BBIN Group which has been well established in the Asian gaming industry (and in the Taiwan market) since 1999.

Further, the Respondent's websites prominently feature the  mark which is a clear imitation of the Complainant's registered stylized BBIN mark, which is used by the Complainants on their official website. The Respondent falsely claims by his/her website to have attended the ICE Totally Gaming exhibition and to have been awarded the Asia Gaming Awards and nominated for

the EGR B2B Awards, whereas these achievements were attached by the 1<sup>st</sup> Complainant.

The Respondent seeks by his/her websites to mislead Internet consumers into associating them with the 1<sup>st</sup> Complainant's website and/or to believe that they are official BBIN websites.

**B. Respondent**

The Respondent did not file a Response to the Complaint.

**5. Findings**

The Uniform Domain Name Dispute Resolution Policy provides, at Paragraph 4(a), that each of three findings must be made in order for a complainant to prevail:

- i. Respondent's domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- ii. Respondent has no rights or legitimate interests in respect of the domain name; and
- iii. Respondent's domain name has been registered and is being used in bad faith.

**A) Identical / Confusingly Similar**

Paragraph 4(a)(i) of the Policy requires the complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights.

In the present case, the Complainants have provided evidence of their numerous trademark registrations for the various BBIN marks, including in Taiwan where the Respondent is located. The Complainants, additionally, have been using the BBIN marks for a long time and have acquired rights at common law therein.

It is well established by numerous UDRP Panel decisions that the inclusion of a generic or descriptive term or numeral does not serve to differentiate a domain name in dispute from a complainant's mark. In the present case, the disputed domain names comprise entirely of the letters BBIN which correspond with the Complainants' registered BBIN marks. The inclusion of the numerals "77", "66", "33" and "22" does not distinguish the disputed domain names from the Complainants' BBIN mark as the letters are immediately identifiable therein.

Consequently, the Panel finds that the Complainants have shown that the disputed domain names are confusingly similar to a trademark in which the Complainants have rights.

The first element of paragraph 4(a) the Policy has been satisfied.

## B) Rights and Legitimate Interests

Once a complainant establishes a *prima facie* case that the respondent lacks rights or legitimate interests in the disputed domain name, the burden of production shifts to the respondent to show that it has rights or legitimate interests in respect to the disputed domain name. (See *WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition* (“WIPO Overview 3.0”), section 2.1.)

In the present case, the Complainants have demonstrated a *prima facie* case that the Respondent lacks rights or legitimate interests in respect of the disputed domain names. The Complainants have provided evidence that they commenced use of the trade mark BBIN and own various trademark registrations in Taiwan and several countries in Asia well before the disputed domain names were registered and that they are not affiliated with nor have they licensed or otherwise permitted the Respondent to use the Complainants’ trade mark.

The Respondent has not submitted a Response to the Complaint and did not provide any explanation or evidence to show he/she has rights or legitimate interests in the disputed domain names sufficient to rebut the Complainants’ *prima facie* case.


Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain names.

The second element of paragraph 4(a) the Policy has been satisfied.

## C) Bad Faith

A complainant must also show that the respondent registered and is using the disputed domain name in bad faith (see Policy, paragraph 4(a)(iii)). Paragraph 4(b) of the Policy provides circumstances that may evidence bad faith under paragraph 4(a)(iii) of the Policy.

The Complainants have submitted evidence, which shows that the Respondent acquired the disputed domain names long after the Complainants registered their trade marks. Although the disputed domain name <bbin.com> was registered in 1993, the Panel notes from the evidence submitted that this domain name had been transferred several times since it was first registered and that the Respondent became the registered owner sometime in 2020. It is well established that “the date on which the current registrant acquired the domain name is the date a panel will consider in assessing bad faith”. (See *WIPO Overview 3.0*, section 3.9) In this case, the Panel considers that the Respondent acquired the disputed domain names after the Complainants’ BBIN marks were registered and assesses the Respondent’s bad faith in registering the disputed domain names on the date the Respondent acquired them.

The fact that the Respondent’s websites feature the Complainants’ mark  and offer competing services shows that the Respondent was well aware of the

Complainants and their BBIN/ trade marks, as well as their reputation in the online gaming industry. The Panel is strongly persuaded by the evidence submitted that the Respondent had targeted the Complainants specifically with a view to mislead and confuse unsuspecting Internet users to his/her websites to

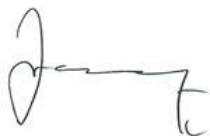
increase the number of visitors, all for commercial gain. The Panel therefore finds the circumstances described in paragraph 4(b)(iv) of the Policy to have been established in this case. The Panel also draws a negative inference from the Respondent's failure to respond to the proceedings and the fact that the Respondent has used a privacy shield to hide his/her identity, which are further indications of the Respondent's bad faith. (See WIPO Overview 3.0, section 3.2.1)

The Panel therefore concludes that the disputed domain names were registered and are being used in bad faith.

The third element of paragraph 4(a) the Policy has been satisfied.

## 6. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain names <bbin.com>; <bbin88.com>; <bbin77.com>; <bbin66.com>; <bbin33.com>; and <bbin22.com> be transferred to the Complainants.



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Francine Tan  
Panelist

Dated: September 25, 2020