

**ASIAN DOMAIN NAME DISPUTE RESOLUTION CENTER
(Beijing Office)**

Administrative Panel Decision

Case No. CN-1100512

Complainant: LEDTRONICS, INC

Respondent: zhulinbo

Domain Name: ledtronics.com

Registrar: Godaddy.com, Inc.

1. Procedural History

On November 2, 2011, the Complainant submitted a Complaint in English to the Beijing Office of the Asian Domain Name Dispute Resolution Center (the "ADNDRC Beijing Office"), in accordance with the Uniform Domain Name Dispute Resolution Policy (the "Policy") adopted by the Internet Corporation for Assigned Names and Numbers ("ICANN"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules") approved by ICANN, and Asian Domain Name Dispute Resolution Center Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "ADNDRC Supplemental Rules"), and chose to have a three-member panel to hear with this case.

On November 8, 2011, the ADNDRC Beijing Office confirmed the receipt of the Complaint. On November 8, 2011, the ADNDRC Beijing Office transmitted by email to ICANN and Godaddy.com, Inc. (the Registrar of the domain name) a request for verification of registration information in connection with the domain name in dispute. On November 8, 2011, Godaddy.com, Inc. transmitted by email to the ADNDRC Beijing Office its verification response confirming that, the domain name in dispute was registered under its domain registrar and the Respondent is listed as the registrant.

The ADNDRC Beijing Office sent by email the Transmittal of Claims attached by the Complaint to the Respondent on November 9, 2011.

On November 14, 2011, the ADNDRC Beijing Office notified the

Complainant that the Complaint had been confirmed and forwarded and the proceedings commenced on November 14, 2011. On the same day, the Notifications of Commencement of Proceedings were notified to the Respondent, ICANN and the Registrar.

On December 5, 2011, having received no response from the Respondent, the ADNDRC Beijing Office notified the Complainant that the hearing will take place by default.

On December 5, 2011, the ADNDRC Beijing Office notified the Proposed Panelist Mr. ZHAO Yun, Mr. GAO Lulin, and Mr. LI Yong, to see whether he is available to act as the Panelist in this case and if so, whether he is in a position to act independently and impartially between the parties. Having received a Declaration of Impartiality and Independence and a Statement of Acceptance respectively from Mr. ZHAO Yun, Mr. GAO Lulin, and Mr. LI Yong, on December 7, 2011, the ADNDRC Beijing Office informed the Complainant and the Respondent of the appointment of the Panelist and the constitution of the Panel, transferred the case file to the Panel, and asked the Panel to submit a decision on or before December 21, 2011.

2. Factual Background

For the Complainant

The Complainant in this case is LEDTRONICS, INC. The registered address is 23105 Kashiwa Court Torrance CA 90505 U.S.A. The authorized representative in this case is Panawell & Partners. LLC.

For the Respondent

The Respondent in this case is Zhulinbo. Its email address is maxpct@126.com. The Respondent is the current registrant of the disputed domain name "ledstronics.com" which was registered on September 13, 2009, through the registrar Godaddy.com, Inc., according to the Whois information.

3. Parties' Contentions

The Complainant

The Complainant was founded in 1983 and headquarters in California, U.S.A. After over 30 years of development, the Complainant has grown into one of the world's leading suppliers of innovative LED lamps, clusters and arrays and the global leader in designing and manufacturing environmentally friendly low power usage, long life LED bulbs and LED lamps direct replace to incandescent bulbs. Its products include LED bulbs, low cost snap-in and replaceable panel mount LED lamps, high intensity sunlight visible discrete LED, PCB mount LED indicators, SMT LED, full spectrum RGB LED or UV and Infrared LED, etc, which will meet various demanding needs of customers worldwide. The Complainant has sales representatives/distributors world-wide and is popular to relevant public. As one of the leaders in the industry, the Complainant has invested a great deal of resources in IPR protection as well as brand and product promotion every year throughout the world. Through the long-term development, the Complainant is highly reputable among consumers as well as competitors in the same industry worldwide.

The Complainant is the owner of the trade name "LEDTRONICS", trademarks "LEDTRONICS" and domain name "ledtronics.com". "LEDTRONICS" is the trade name originally created by the Complainant. Early on June 21, 1994, the Complainant filed the application for trademark "LEDTRONICS" with the United States Patent and Trademark Office (USPTO) in respect of the goods in Class 9, which was approved for registration on August 29, 1995 under the registration number 1914678. On June 26, 2006, the Complainant filed with the USPTO the application for trademark "LEDTRONICS" in respect of the goods in Class 9 and Class 11, which was approved for registration on December 18, 2007 under the registration number 3356292.

In order to protect and promote the trademarks "LEDTRONICS" in China, on August 7, 2007, the Complainant filed applications for trademark "LEDTRONICS" with the Chinese Trademark Office (CTMO) in respect of the goods in Class 9 and Class 11, which were also

successfully approved for registration respectively under the registration number 6208372 and 6208371. All of the above trademarks were filed much earlier than the creation date (September 13, 2009) of the disputed domain name.

Moreover, for the publicity and promotion of the trademarks “LEDTRONICS”, early in 1996, the Complainant started to use and register the domain name “LEDTRONICS.COM” , which has enabled relevant consumers, particular those preferring shopping online, to be familiar with the Complainant and its trademarks, and established the sole association between the Complainant, the trademarks “LEDTRONICS” and the domain name “LEDTONICS.COM”. Through long-term use and publicity, the trademark “LEDTRONICS”, the trade name and the domain name of the Complainant has enjoyed high reputation worldwide including China.

The disputed domain name is confusingly similar to the trademark, trade name and domain name of the Complainant. From the comparison, there is only one additional letter “S” in the disputed domain name compared to the trademark, trade name as well as domain name of the Complainant. Such extreme similarity between them would easily cause confusion visually to relevant consumers and mislead them to consider that there is any connection or relationship between the Complainant and the website the disputed domain name linked to.

The Respondent has no rights or legitimate interests in respect of the dispute domain name. Through the database search of WHOIS, the owner of the disputed domain name is Zhulinbo. Upon the search in internet, it is found that the webpage the disputed domain name linked to is about the company named Changzhou Moihan Electronic Co., Ltd, which publicizes in the webpage various LED lamps and lanterns similar to or identical with those of the Complainant, and claims to provide kinds of LED products including LED light bulbs, LED tubes, LED focus lamps, LED streetlights, etc. After investigation, the Complainant found that neither Zhulinbo nor Changzhou Moihan Electronic Co. Ltd has any right in respect of trademark or trade name over “LEDSTRONICS”.

The Respondent registered and used the disputed domain name with bad faith. With the development of internet, more and more consumers prefer to shop online. By visiting the website of the Complainant, lots of consumers got to know and purchase the products of the Complainant online. As mentioned above, the disputed domain name is extremely similar to the trademark “LEDTRONICS”, trade name “LEDTRONICS” as well as the domain name “LEDTRONICS.COM” of the Complainant, and it would easily cause confusion to relevant consumers and mislead those originally intending to purchase the products of the Complainant to visit the website of the Respondent and consider that the Respondent is the subsidiary or affiliation of the Complainant. Obviously through registering and using the disputed domain name with bad faith, the Respondent intended to seek unfair profits by using the good reputation of the brand “LEDTRONICS” of the Complainant.

The Respondent’s acts not only violate the principle of good faith and infringe the legitimate right of the Complainant, but also deceive and confuse relevant consumers particular the Chinese, violate the legal right of massive consumers, and shall be strictly prohibited.

In accordance with Paragraph 4(i) of the Policy, the Complainant requests the Panel to issue a decision to cancel the disputed domain name.

For the Respondent

After being served of the claim and all the accompanying documents submitted by the Complainant, and of all the procedural documents by the ADNDRC Beijing Office, the Respondent makes no response by any means in the whole course of the proceeding.

4. Panel’s Findings

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute: “A Panel shall decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of

law that it deems applicable.”

Paragraph 4 (a) of the Policy requires that the Complainant should prove each of the following three elements to obtain a decision that a domain name should be cancelled or transferred:

(1) The domain name registered by the Respondent is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

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

(3) The domain name has been registered and is being used in bad faith.

Identity or Confusingly Similarity

The Complainant is one of the world’s leading suppliers of LED lamps, bulbs, clusters and arrays. The Complainant has successfully registered “LEDTRONICS” in the United States as early as 1995. On December 18, 2007, the Complainant registered another trademark “LEDTRONICS” under the registration number 3356292 in the United States.

The Panel notes that the registration date of the trademark “LEDTRONICS” in the United States predates the creation date of the disputed domain name.

In consideration of the Complainant’s registration in the United States, as well as the Respondent has not raised any opposition against the Complainant’s rights, the Panel come to a reasonable conclusion that the Complainant enjoys the prior rights in the trademark “LEDTRONICS”.

The disputed domain name is “ledstronics.com”. As the suffix “.com” only indicates that the domain name is registered under this gTLD and is not distinctive, the main part of the disputed domain name is “ledstronics”. The only difference between this main part and the trademark is the addition of a letter “s”. “LEDTRONICS” is not a common English word and the addition of one letter in this ten-letter term is almost negligible. The public will have difficulty in noticing this minor

difference at first sight. Even some people might immediately note the addition of “s” at first sight, they will under most circumstances unavoidably link this main part with the Complainant’s trademark. Consequently, the Panel in this case finds that the addition of a simple letter, such as the addition of “s”, to a trademark does not alter the underlying mark to which it is added. Therefore, the main part of the disputed domain name “ledstronics” is confusingly similar to the Complainant’s trademark “LEDTRONICS”.

The Panel therefore holds that the Complaint fulfills the condition provided in Paragraph 4 (a)(i) of the Policy

Rights and Legitimate Interests of the Respondent

The Complainant contends that the Respondent does not have rights to or legitimate interests over the disputed domain name. The Complainant’s assertion is sufficient to establish a prima facie case under Policy 4 (a)(ii), thereby shifting the burden to the Respondent to present evidence of its rights or legitimate interests.

The Respondent has failed to show that the Respondent has any rights or legitimate interests in respect of the disputed domain name. The act of registering the disputed domain name does not automatically endow any legal rights or interests with the Respondent.

The Panel therefore finds that the Complaint fulfills the condition provided in Paragraph 4(a)(ii) of the Policy.

Bad Faith

Under Paragraph 4 (b) of the Policy, the following are relevant examples a Panel may take as evidence of registration and use in bad faith:

(i) Circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) You have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) You have registered the domain name primarily for the purpose disrupting the business of a competitor; or

(iv) By using the domain name, you have intentionally attempted to attract, for commercial gain, internet users to your website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location.

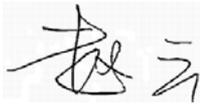
Evidence shows that the Complainant's trademark "LEDTRONICS" has been registered in the United States since 1995. The Complainant has used the trademark extensively to promote the products around the world. As such, the public has come to recognize and associate the Complainant's trademark as originating from the Complainant and no other.

The evidence submitted by the Complainant shows that the Respondent is using the website of the disputed domain name to sell LED products, including LED lamps and bulbs, which are exactly the major products of the Complainant. This is a typical bad-faith use of the domain name contemplated by Paragraph 4(b)(iv) of the Policy. By using the disputed domain name, the Respondent have intentionally attempted to attract, for commercial gain, internet users to the website, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the website or of products on the website.

Accordingly, the Panel finds that the Complaint satisfies the condition provided in Paragraph 4 (a) (iii) of the Policy.

5. Decision

Having established all three elements required under the ICANN Policy, the Panel concludes that Complaint should be supported. Accordingly, it is ordered that the disputed domain name “ledstronics.com” should be CANCELLED.

Presiding Panelist: 

Co-Panelist: 

Co-Panelist: 

DATED: 19 December 2011