

ASIAN DOMAIN NAME DISPUTE RESOLUTION CENTRE
(Hong Kong Office)
ADMINISTRATIVE PANEL DECISION
Case No. HK-0700129

Complainant: CLP Holdings Limited
Respondent: Qiu Jia Jun
Domain Name: clpgrouphk.com
Registrar: Bizcn.com Inc.

1. Procedural History

The Complaint was filed with the Asian Domain Name Dispute Resolution Centre (the “Center”) on May 8, 2007. On May 23, 2007, the Center transmitted by email to biz.com Inc.. (the Registrar of the domain name) a request for registrar verification in connection with the domain name at issue. The Center verified that the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the Centre’s Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center attempted to formally notify the Respondent of the Complaint however no response was received, and the proceedings commenced on June 20, 2007. In accordance with the Rules, paragraph 5(a), the due date for Response was September 8, 2006. The Respondent did not submit any response.

The Center appointed Matthew Murphy as the sole panelist in this matter on July 13, 2007. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

Although the Registrar of the disputed domain name has informed the Center that the language of the relevant registration agreement was in Chinese, the Panel considers that the language of the present proceeding should be English, mainly because although the Complaint was provided in English and Chinese, most of the evidence was provided by the Complainant in English – further, the Respondent has not provided any submissions whatsoever regarding language or any other issues.

2. Factual Background

For the Complainant

The Complainant is the holding company of a well known group of companies (the “CLP Group”). The CLP Group was established in 1901 and is listed on the Main Board of the

Stock Exchange of Hong Kong. The stocks of the CLP Group are one of the most widely held and actively traded stocks on the Hong Kong Stock Exchange, with a market capitalization of around HK\$110 billion. The CLP group is the largest electricity provider in Hong Kong – it operates a vertically integrated electricity generation, transmission and distribution process. The CLP Group commenced investment in the Mainland China electricity industry in the late 1970's. Today, the CLP Group is the largest external investor in China's power industry with interests in more than 10 projects across 5 provinces of the PRC. The Complainant is the registered owner of the trademark "CLP" (and various combinations involving devices and other words/characters) – it has been using it for many years – the Complainant has provided evidence to show that it has registered the mark in a large number of classes in many countries throughout the world including Mainland China and Hong Kong. The Complainant has also registered various domain names, using "CLP" including "www.clpgroup.com" – a list has been provided by the Complainant. The "CLP" None of these claims have been refuted by the Respondent.

The Claimant discovered that the Respondent registered the domain name. The Claimant asserts that the Respondent's registration of this domain name will confuse existing and future customers of Claimant. None of these claims have been refuted by the Respondent.

For the Respondent

The Respondent did not provide any submissions or evidence.

3. Parties' Contentions

The Complainant

The Claimant asserts that the Respondent's registration of this domain name will confuse existing and future customers of the Claimant, that the Respondent has no legitimate interests in respect of this domain name, and that the domain name has been registered and is being used in bad faith.

The Respondent

The Respondent has not asserted any claims, defenses or contentions.

4. Findings

Under paragraph 4 (a) of the Policy, the Panel should be satisfied that:

- (i) The 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) The domain name has been registered in bad faith;
- (iv) The domain name is being used in bad faith.

Identical or Confusing Similarity

The Panel finds that Complainant has established that it is the owner of the trademark “CLP”. The validity and fame of this trademark are beyond dispute. The Respondent’s domain name includes the Complainant’s trademark and adds a reference to group and Hong Kong in the domain name (ie. “grouphk”)– no evidence or submissions to refute this claim has been provided by the Respondent. Internet users may easily understand the domain name to refer to the Complainant’s products and services, since the Complainant is the holding company of a well known group of companies. Accordingly, the domain name is confusingly similar to the trademark “CLP” owned by the Complainant.

Rights or Legitimate Interests of the Respondent

There is no evidence that the Respondent had any right or legitimate interest whatsoever in respect of the trademark “CLP”, or that there was any association between the trademark CLP and its activities, before registering the domain name. Given that the Respondent has not provided any evidence to support a right or legitimate interest in the domain name, the Panel finds that the Respondent has no rights or legitimate interests in respect of the domain name.

Bad Faith

The trademark CLP is well-known enough that it is presumable that the Respondent knew about its existence when registering the domain name (see *Banca Sella S.p.A. v. Mr. Paolo Parente*, WIPO Case No. D2000-1157; *Expedia, Inc. v. European Travel Network*, WIPO Case No. D2000-0137). No argument has been submitted by the defaulting Respondent in order to counter these findings. The Panel concludes that the domain name has been registered in bad faith.

As far as use of the domain name in bad faith is concerned, the Panel concludes that the Respondent’s holding of the domain name in this particular case satisfies the requirement of paragraph 4(a)(iii) of the Policy in that the domain name “is being used in bad faith” by the Respondent (see *Telstra Corporation Limited v Nuclear Marshmallows*, WIPO Case No. D2000-0003; *Espirito Santo Financial Group S.A. v. Peter Colman*, WIPO Case No. D2001-1214) - the Complainant’s trademark has a strong reputation and is widely known, as evidenced by its substantial use in various countries throughout the world, and the Respondent has provided no evidence of any actual or contemplated good faith use by it of the domain name.

5. Decision

Pursuant to Paragraph 4(a) of the Policy and Article 15 of the Rules, this Panel orders that the domain name < clpgrouphk.com> be transferred to the Complainant.

Matthew Murphy
Sole Panelist

Dated: July 20, 2007