



**(Hong Kong Office)**

**ADMINISTRATIVE PANEL DECISION**

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<b>Case No.</b>	<b>HK-1901278</b>
<b>Complainant:</b>	<b>Riot Games, Inc.</b>
<b>Respondent:</b>	<b>Paul McClenaghan</b>
<b>Disputed Domain Name:</b>	<b>&lt;lplesports.com&gt;</b>

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

The Complainant is Riot Games, Inc. of Los Angeles, California, United States of America (“USA”).

The Respondent is Paul McClenaghan, of Stratford-Upon-Avon, Warwickshire, United Kingdom.

The domain name at issue is <lplesports.com>, registered by the Respondent with 123-Reg Limited, of Missouri, USA.

**2. Procedural History**

The Complaint was filed with the Hong Kong office of the Asian Domain Name Dispute Resolution Center (the “Center”) on August 9, 2019. On August 12, 2019 the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 12, 2019, the Registrar transmitted by email to the Centre its verification response disclosing registrant information for the Disputed Domain Names which differed from the named Respondent information in the Complaint. The Centre sent an email communication to the Complainant on August 28, 2019, providing the registrant information disclosed and by the Registrar, and inviting the Complainant to submit an amended Complaint. The Complainant filed an amended Complaint by email on September 2, 2019.

The Center has verified that the Complaint satisfies the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy”), the Rules of Procedure under the Policy (the “Rules”) and the Center’s Supplemental Rules.

In accordance with the Rules, the Center formally notified the Respondent of the Complaint and the proceeding commenced on September 19, 2019. In accordance with the Rules, the due date for the Response was October 9, 2019.

No Response was received by the Center.

The Center appointed Sebastian Hughes as the Panelist in this matter on October 14, 2019. The Panel finds that it was properly constituted and has acted impartially in reaching its conclusion.

### **3. Factual background**

#### **A. Complainant**

The Complainant was incorporated in California, USA in 2006, and is a leading video game developer and esports tournament organiser with over 2,500 employees and more than 20 offices globally, including in Hong Kong, China, Japan, Korea, Australia, Germany, France and London.

The Complainant is the owner of numerous registrations in jurisdictions worldwide for the trade mark LPL, used by the Complainant and its parent company, Tencent Holdings Limited, since 2013 in respect of its well-known “Legends Pro League” and “LPL” esports competition in China (the “Trade Mark”). The Complainant is also the owner of several domain names comprising the Trade Mark.

#### **B. Respondent**

The Respondent is an individual resident in the United Kingdom.

#### **C. The Disputed Domain Name**

The disputed domain name was registered on February 15, 2018.

#### **D. Passive Use of the Disputed Domain Name**

The Respondent has made no use of the disputed domain name, but has simply resolved it to an inactive website builder website.

### **4. Parties’ Contentions**

#### **A. Complainant**

The Complainant contends that the disputed domain name is identical or confusingly similar to the Trade Mark; the Respondent has no rights or legitimate interests in respect of the disputed domain name; and the disputed domain name has been registered and is being used in bad faith.

#### **B. Respondent**

The Respondent did not reply to the Complainant’s contentions.

## 5. Findings

The 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

The Panel finds that the Complainant has rights in the Trade Mark acquired through use and registration.

The disputed domain name incorporates the entirety of the Trade Mark, together with the descriptive and non-distinctive word "esports", a word which is directly descriptive of the goods and services provided by the Complainant under the Trade Mark.

The Panel therefore finds that the disputed domain name is confusingly similar to the Trade Mark.

### B) Rights and Legitimate Interests

Paragraph 4(c) of the Policy provides a list of non-exhaustive circumstances any of which is sufficient to demonstrate that a respondent has rights or legitimate interests in the disputed domain name:

- (i) before any notice to the respondent of the dispute, the respondent's use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services; or
- (ii) the respondent (as an individual, business, or other organization) has been commonly known by the disputed domain name even if the respondent has acquired no trade mark or service mark rights; or
- (iii) the respondent is making a legitimate non-commercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trade mark or service mark at issue.

There is no evidence that the Complainant has authorised, licensed, or permitted the Respondent to register or use the disputed domain name or to use the Trade Mark. The Complainant has prior rights in the Trade Mark which precede the Respondent's registration of the disputed domain name by several decades. The Panel finds on the record that there is therefore a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name, and the burden is thus on the Respondent to produce evidence to rebut this presumption.

The Respondent has failed to show that it has acquired any trade mark rights in respect of the disputed domain name or that the disputed domain name has been used in connection with a *bona fide* offering of goods or services. To the contrary, the evidence shows that the disputed domain name has not been used.

There has been no evidence adduced to show that the Respondent has been commonly known by the disputed domain name.

There has been no evidence adduced to show that the Respondent is making a legitimate non-commercial or fair use of the disputed domain name.

The Panel finds that the Respondent has failed to produce any evidence to establish rights or legitimate interests in the disputed domain name. The Panel therefore finds that the Complaint fulfils the second condition of paragraph 4(a) of the Policy.

### **C) Bad Faith**

Given the notoriety of the Complainant and of its Trade Mark; the close similarity between the disputed domain name and the Trade Mark; the lack of any explanation from the Respondent; and the passive use of the disputed domain name, the Panel finds, in all the circumstances, that the requisite element of bad faith has been made out. The Panel considers it is inconceivable the Respondent was not aware of the Complainant's Trade Mark at the time it registered the disputed domain name.

For all the foregoing reasons, the Panel concludes that the disputed domain name has been registered and is being used in bad faith. Accordingly the third condition of paragraph 4(a) of the Policy has been fulfilled.

## **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 name <lplsports.com> be transferred to the Complainant.



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Sebastian Hughes  
Sole Panelist

Dated: October 28, 2019