



Asian Domain Name Dispute Resolution Centre

hong kong

(Hong Kong Office)

## ADMINISTRATIVE PANEL DECISION

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<b>Case No.</b>	<b>HK-1500691</b>
<b>Complainants:</b>	<b>State Leader Co., Ltd and Yang, Jen-Chieh</b>
<b>Respondent:</b>	<b>Bao Lianzhong</b>
<b>Disputed Domain Name(s):</b>	<b>&lt;bb-in.com&gt;</b>

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### 1. The Parties and Contested Domain Name

The Complainants are State Leader Co., Ltd. of 60 Market Square, P.O. Box 364, Belize City, Belize, and Yang, Jen-Chieh of 193 Shangshan Road, Xiushan Daya District, Taichung City, Taiwan (hereinafter identified jointly and severally as “Complainant”).

The Respondent is Bao Lianzhong of Xingguang, China 544444 (“Respondent”).

The domain name at issue is <bb-in.com>, registered by Respondent with GoDaddy.com, LLC, of 14455 N. Hayden Road, Suite 4219, Scottsdale, Arizona 85260, United States of America (the “Registrar”).

### 2. Procedural History

On 16 January 2015 Complainant filed the Complaint in this matter concerning the domain name at issue. On that same date the Asian Domain Name Dispute Resolution Centre (hereinafter referred to as the “Centre”) notified the Registrar of the filing of the complaint and requested that the Registrar confirm that the domain name at issue was registered with the Registrar, that the identified Respondent is the registrant of the domain name, and that the Registrar had received a copy of the Complaint. Also on that same date the Centre sent the Complainant an Acknowledgement of Receipt of Complaint. Finally, on the same date, Complainant confirmed to the Centre that a copy of the Complaint had been sent to Respondent.

On 17 January 2015 the Registrar confirmed that the domain name at issue had been registered to the identified Respondent, that the language of the registration agreement was English, and that the Registrar had received a copy of the Complaint. On 20 January 2015 Complainant notified the Centre that the required fees in the case had been paid. On the same date the Centre acknowledged receipt of the filing fees.

On 21 January 2015, the Centre sent to Respondent a formal written Notice of Complaint announcing commencement of the Proceedings as of that date and advising Respondent that a formal response was due on or before 10 February 2015, and transmitting to Respondent a

Notice of the Complaint together an additional copy of the Complaint and the annexes thereto. Not having received a response within the required time, on 11 February, 2015 the Centre notified the parties of Respondent's default.

On 11 February 2015 the Centre appointed M. Scott Donahey as the sole panelist in conformity with the Policy and the Rules. On that same date the Centre transferred the file to the panel. As the registration agreement is in the English language, the Panel finds that the language of the proceedings is English. Uniform Rules, Rule 7(a).

### **3. Factual background**

Complainant State Leader Co., Ltd is the beneficial owner of the trademark BB-IN and Complainant Yang, Jen Chieh is the Chief Executive Officer of Complainant State Leaser Co., Ltd and the legal owner of the trademark. Complaint Annex F. They are referred to herein jointly and severally as "Complainant." Complainant is the former owner of the domain name at issue, which was created on 9 January 2005. Complainant is the owner of numerous trademarks for BB-IN in many Asian countries, including China, relating to Internet gambling game platforms. Complaint, Annexes D and E. Complainant has more than 1,000 professionals who develop online gambling game platform development. It is one of the leading players in the online gambling gaming field in Asia, and its business (until Complainant lost control of the domain name to Respondent) was promoted extensively on the web site to which domain name at issue resolved. Complaint, Annex G.

Complainant is headquartered in Taiwan and had historically used the domain name in connection with online gambling game solutions, having evidence of registration of the registration and use of the domain name at issue dating back to at least 2009 and continuing until 27 December 2014 when the domain name was shown to have come into the control of Respondent. Complaint, Annexes B and C. Complainant alleges that the domain name at issue was taken from its control without its knowledge sometime in late December 2014, and Complainant has filed a transfer complaint concerning the domain name at issue with ICANN. Complaint, Exhibit M. Upon learning of the transfer, on 9 January 2015 Complainant sent complaint letters to both the original hosting site and to Respondent. Complaint, Annexes K and L.

In January 2015 an unidentified "prospective buyer" contacted Respondent. In reply, Respondent invited an offer for the purchase of domain name at issue, asserting that its domain names usually sold for more than US\$ 30,000. Complaint, Annex N.

Respondent has been listed as the registrant of the domain name since 27 December 2014. Respondent has used the domain name at issue to resolve to a web site displaying advertising information concerning gambling activities and establishments. Complaint, Annex H.

### **4. Parties' Contentions**

#### **A. Complainant**

The Complainant's contentions may be summarized as follows:

Complainant contends that the domain name at issue is identical to Complainant's BB-IN mark. Complainant contends that Respondent effectively stole Complainant's rightful registration of the domain name at issue several years after Complainant began extensive use of the BB-IN mark. As complainant has not licensed the marks to Respondent nor consented in Respondent's use of the domain name at issue or otherwise authorized Respondent to use its BB-IN mark or the domain name at issue, as there is no evidence that Respondent has been commonly known as "bb-in," or that Respondent came into the registration of the domain name at issue lawfully, and as there is no evidence that Respondent has registered as a trademark or used as a trademark the "bb-in" character string, Respondent has no rights or legitimate interests in respect of the domain name at issue. Finally, Respondent is using the domain name at issue to resolve to a web site at which gaming and gambling information and products and that visitors to the site are likely to associate the products and services promoted there as sponsored by or associated with Complainant. It is fair to assume that Respondent is receiving remuneration as a result of such advertisements and links. This constitutes evidence under paragraph 4(b)(iv) of the Policy that Respondent has registered and is using the domain name at issue in bad faith.

**B. Respondent has failed to respond to the Complaint**

Respondent failed to deny Complainant's contentions, or to produce evidence contrary to Complainant's assertions.

**5. Findings**

The ICANN 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 must be 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 Similarity**

The domain name at issue consists of the Complainant's well-known BB-IN mark prior to the .com gTLD suffix. The Panel finds that the domain name at issue is identical to Complainant's trademark.

**B) Rights and Legitimate Interests**

The consensus view of WIPO panelists concerning the burden of a complainant to rebut rights or legitimate interests in respect of the domain name is as follows:

While the overall burden of proof rests with the complainant, panels have recognized that this could result in the often impossible task of proving a negative, requiring information that is often primarily within the knowledge of the respondent. Therefore a complainant is required to make out an initial *prima facie* case that the respondent lacks rights or legitimate interests. Once such *prima facie* case is made, respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such appropriate allegations or evidence, a complainant is generally deemed to have satisfied paragraph 4(a)(ii) of the UDRP.

WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Second Edition (“WIPO Overview, 2.0”), Section 2.1.

As there are WIPO panelists among the panelists in the ADNDRC, and as there are ADNDRC panelists among the panelists in WIPO, as this panelist is a member of both panels, and as all panelists are interpreting the same Rules and Policy, this panelist believes that the consensus view of WIPO panelists is equally applicable at the ADNDRC.

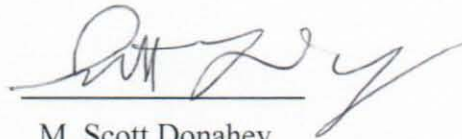
In the present case the Complainant alleges that Respondent has no rights or legitimate interests in respect of the domain name and Respondent has failed to assert any such rights. Accordingly, the Panel finds that Respondent has no rights or legitimate interests in respect of the domain name at issue.

### **C) Bad Faith**

In the present case Respondent uses the domain name at issue resolves to a web site at which advertisements and links to other purveyors of gambling and gaming products and services. It is fair to assume that Respondent is using the domain name at issue to confuse Internet users who are searching for Complainant and who arrive at Respondent’s web site and to obtain commercial gain as a result of such confusion. In addition, Respondent seems to have come to control the registration through unlawful means and without the permission of the rightful registrant. Therefore, the Panel finds that Respondent has registered and is using the domain name at issue in bad faith.

### **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 <bb-in.com> be transferred to the 1<sup>st</sup> Complainant.



M. Scott Donahey  
Panelist

Dated: 13 February 2015