



(Hong Kong Office)

## ADMINISTRATIVE PANEL DECISION

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Case No.:	HK-2001385
Complainant:	Lei Chi Technology Co., Ltd.
Respondent:	da wei liu
Disputed Domain Names:	<jvidfans.com> <jvidtv.com> <jvid99.com>

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### 1. The Parties and Contested Domain Name

The Complainant is Lei Chi Technology Co., Ltd., of 7F., No.146, Zhongshan Rd., Zhongli Dist., Taoyuan City 320, Taiwan.

The Respondent is da wei liu, of bei jing shi dong cheng qu, Beijing, China.

The domain names at issue are <jvidfans.com> <jvidtv.com> <jvid99.com> (collectively “**Disputed Domain Names**”), registered by Respondent with GoDaddy.com, LLC (“**the Registrar**”).

### 2. Procedural History

On 5 August 2020, pursuant to the Uniform Domain Name Dispute Resolution Policy (“**the Policy**”), the Rules for the Uniform Domain Name Dispute Resolution Policy (“**the Rules**”) and Asian Domain Name Dispute Resolution Centre (“**ADNDRC**”) Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (“**the Supplemental Rules**”), the Complainant submitted a Complaint (“**the Complaint**”) concerning the domain names <jvidmm.com> and <jvidfans.com> to the Hong Kong Office of the ADNDRC (“**the Centre**”) and elected this case to be dealt with by a single-member panel. The Complainant submitted the case filing fee payment receipt to the Centre on 14 August 2020.

On 18 August 2020, the Centre notified the Registrar of the Complaint that <jvidmm.com> and <jvidfans.com> were registered by different registrants according to the Whois information received from the Registrar dated 7 August 2020, and therefore requested the Complainant to rectify the deficiency of the Complaint by 25 August 2020. The Complainant then confirmed to the Centre the removal of the disputed domain name <jvidmm.com> from its Complaint on 19 August 2020, and the inclusion of two additional disputed domain names <jvidtv.com> and <jvid99.com>

into its Complaint on 21 August 2020. The Complainant submitted the revised Complaint involving the Disputed Domain Names to the Centre on 31 August 2020.

On 31 August 2020, the Centre communicated the revised Complaint to the Registrar and requested the Registrar to take appropriate actions towards the Disputed Domain Names. On 2 September 2020, the Complainant submitted the payment receipt of the supplemental case filing fee.

On 2 September 2020, the Centre confirmed to the Complainant that the revised Complaint is in administrative compliance with the Policy, and notified the Respondent of the commencement of the proceedings and the deadline for filing a response is 22 September 2020.

On 24 September 2020, the Centre notified the parties that no response was received from the Respondent.

On 30 September 2020, the Centre notified the parties of the constitution of a single-member panel, which comprises Mr. Dennis Cai Weiping. The deadline for a decision is 14 October 2020, which is subsequently extended to 20 October 2020.

### 3. Factual background

The Complainant's trademarks "JVID" and "JVID and device" are registered in different countries in class 9 and/or class 16 and/or class 41, detail as following:

Country	Registration Status	Class	Registration Number	Registration Date
Taiwan	Registered	041	01924839	2018/07/01
Taiwan	Registered	041	01924840	2018/07/01
Taiwan	Registered	009	01923058	2018/07/01
Taiwan	Registered	009	01923059	2018/07/01
Taiwan	Registered	016	01923361	2018/07/01
Taiwan	Registered	016	01923362	2018/07/01
Singapore	Registered	009	40201821788P	2018/10/24
Hong Kong	Registered	009	304710681	2018/10/24
Japan	Registered	009 、 016 、 041	T6103514	2018/11/30
Japan	Registered	009 、 016 、 041	T6147314	2019/05/24
China	Registered	009	34204958	2019/07/28
China	Registered	009	34204933	2019/09/28

China	Registered	009	38882560	2020/03/14
Malaysia	Notice of Allowance	009	2018073280	

The Respondent registered <JVIDFANS.COM> and <JVID99.COM> on 9 July 2019, and <JVIDTV.COM> on 14 July 2019.

4. Parties' Contentions

Complainant

The Complainant's contentions may be summarized as follows:

*i) The disputed domain name(s) is/are identical or confusingly similar to a trademark or service mark in which the Complainant has rights:*

The Complainant contends that the Complainant is the owner of trademark "**JVID**" and "**JVID**", as well as the holder of the domain name <jvid.com>. The Disputed Domain Name <jvidfans.com> registered in 2019 resolves to a website selling copies the complainants' video and uses unauthorized photographs which invalid the complainant's copyright. The Complainant also contents that the distinctiveness part of the Disputed Domain Names is "jvid", with unauthorized photo graphics the website has caused serious confusion to customers and partners.

*ii) The Respondent has no rights or legitimate interests in respect of the domain name(s):*

The complainant asserts that the complainant did not authorize or license any third parties to register any trademark or domain. Any third party has no rights to register the mark "JVID" in either trademark or domain. Especially when the respondents are not only register "JVID" as domain name but copy and sell the videos from complainant on the website, which has jeopardized complainant's reputation and market; therefore, the holders of the website have no right to use nor register domain relating to "JVID" in any aspect.

*iii) The disputed domain name(s) has/have been registered and is/are being used in bad faith:*

The Complaint contends that <Jvidfans.com> uses the Complainant's registered trademark "JVID" and unauthorized copyrights to provide the same services as the Complainant's via the corresponding website. The holder of this domain is intentionally taking advantage of Complainant's reputation to direct customers to purchasing video on their website, which

significantly harms Complainant's business by deceiving customers and disrupting markets. The Complainant further contends that, after the Complainant's first submission of the Complaint, [jvidfans.com](http://jvidfans.com) intentionally direct visitors of the website to [jvidtv.com](http://jvidtv.com) and [jvid99.com](http://jvid99.com). These two domain names linked to websites with the same contents as the website resolved by [jvidfans.com](http://jvidfans.com). The Complainant also provided supporting information to substantiate its contentions.

**B. Respondent**

The Respondent did not file any Response to the Complaint.

**5. Findings**

Paragraph 4(a) of the Policy directs that the Complainant must prove each of the three elements under Paragraph 4(a) of the Policy:

- 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 established its registered trademark rights regarding the name "JVID" by providing the relevant trademark registration information in Taiwan, Singapore, Japan, Hong Kong, Mainland China, and Malaysia.

It has been a well-established rule that UDRP panels do not consider the suffix or the top-level-domain part of the disputed domain name when considering the identical or confusing similarity issue under paragraph 4 (a) of the Policy. In the present case and disregarding the ".com" part in the Disputed Domain Names, the parts of the Disputed Domain Names for the confusing similarity test are namely, "JVIDFANS", "JVIDTV", and "JVID99". The Panel accepts the Complainant's contention that the Disputed Domain Names' distinctive parts are "JVID", which is identical to the Complainant's trademark "JVID". The Panel finds that the inclusion of "FANS", "TV", and "99" following the Complainant's trademark "JVID" in the second level part of the Disputed Domain Names does not reduce the similarity, visually or phonetically, between the Disputed Domain Name and the Complainant's mark. The Panel finds that "FANS", "TV", and "99" are generic terms or with a literal meaning in connection to the Complainant's

business. These terms' inclusion may enhance the confusing similarity between the Disputed Domain Names and the Complainant's trademark.

The Panel considers that Complainant's contention on website content, i.e., unauthorized photo graphics, is irrelevant to the Panel's finding of confusing similarity.

On this basis, the Panel finds that the Complainant has established the first element of the UDRP that the Disputed Domain Names are identical or confusingly similar to the Complainant's "JVID" mark.

## **B) Rights and Legitimate Interests**

While the Complainant bears the overall burden of proof in UDRP proceedings, various UDRP panels have recognized that if a complainant makes out a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name, then the burden of proof of this element shifts to the Respondent to produce relevant evidence demonstrating rights or legitimate interests in the disputed domain name. If the Respondent fails to provide such relevant evidence, the Complainant is deemed to have satisfied the second element.

In the present case, the Complainant has declared that the Complainant has never authorized any third parties to use its trademark or register domain name comprising the trademark. The Respondent reproduces the Complainant's trademark on websites and domain names without any license or authorization from the Complainant, which is strong evidence of the lack of legitimate interest. Moreover, there is no evidence submitted before this Panel, indicating that the Respondent is not commonly known by the Disputed Domain Names and has acquired no trademark or service mark rights related to the "JVID" term. The Respondent produces no evidence that the Respondent has rights and interests in the Disputed Domain Names.

Having considered the totality of the evidence in the present case, the Panel accepts that the Complainant has made out a prima facie case that the Respondent lacks rights or legitimate interests in respect of the Disputed Domain Names.

On this basis, the Panel finds that the Complainant has established the second element of the UDRP that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Names.

## **C) Bad Faith**

Paragraph 4(a) of the Policy requires the Complainant to prove both registration and use in bad faith. Nonetheless, Paragraph 4(b) of the Policy sets out particular scenarios, which shall be evidence of the registration and use of a domain name in bad faith. They are:

(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 of 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.

The evidence provided by the Complainant indicates that the Complainant's mark "JVID" has become a commercial symbol of the Complainant's goodwill.

The Panel notes that the Respondent registered three Disputed Domain Names that comprise the Complainant's trademark in a short period. As per the first element's finding, the Disputed Domain Names are confusingly similar to the Complainant's mark, which is a distinctive term. Therefore, the Panel infers that the Respondent was aware of it when it registered the Disputed Domain Names.

Moreover, the websites associated with the Disputed Domain Names display unauthorized terms and graphics of the Complainant's trademark, which is proof of the use of the Disputed Domain Names in bad faith.

Having found that the Respondent has no rights and legitimate interests in respect of the Disputed Domain Names, the Panel believes that it was not a coincidence for the Respondent to register the Disputed Domain Names.

The Panel finds that Respondent's registration and use of the Disputed Domain Names constitute bad faith under paragraph 4b(iv) of the Policy.

**6. Decision**

For all of the foregoing reasons, this Panel's decision is that the Disputed Domain Names are confusingly similar to the marks in which the Complainant has rights, that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Names, and that the Disputed Domain Names have been registered and are being used in bad faith. Accordingly, pursuant to Paragraph 4(i) of the Policy, the Panel orders that the registration of the Disputed Domain Names <jvidfans.com>, <jvidtv.com>, and <jvid99.com> be transferred to the Complainant.



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Dennis CAI  
Sole Panelist

Dated: 20 October 2020