



Asian Domain Name Dispute Resolution Centre

hong kong

(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2001395
Complainant:	Lei Chi Technology Co., Ltd.
Respondent:	Yikesm Wang
Disputed Domain Name(s):	<jvidmm.com >

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 (R.O.C.).

The Respondent is Yikesm Wang, of Guangdongsheng, Guangzhoushi, Beijing 51000, China.

The domain name at issue is < jvidmm.com >, registered by Respondent with GoDaddy.com, LLC.

2. Procedural History

The Complainant filed the Complaint with the Asian Domain Name Dispute Resolution Centre (ADNDRC) (Hong Kong Office) on 16 September 2020. On 17 September 2020, ADNDRC sent a New Case Notification email to Godaddy.com, LLC, the registrar of the disputed domain name (“the Registrar”).

The Registrar responded by email on 18 September 2020 disclosing details of the registrant of the domain name at issue and that the domain name at issue was created on 14 July 2019. A Notification of Deficiencies of the Complaint was sent by ADNDRC to the Complainant on 18 September 2020. The Complainant amended the Complaint accordingly and the duly amended Complaint was sent to ADNDRC on 19 September 2020.

The Respondent was formally notified of the Complaint on 21 September 2020 and was told to submit a Response on or before 11 October 2020 pursuant to Article 5 of the Rules. ADNDRC indicated to the parties on 12 October 2020 that it did not receive a Response from the Respondent.

ADNDRC informed the parties on 14 October 2020 that Ms. Dora Chow had been appointed as the Panelist. In accordance with the Rules, a decision would be rendered by the Panelist on or before 28 October 2020 unless there is exceptional circumstance.

The Panel issued the Administrative Panel Order No 1 on 16 October 2020, giving the Complainant 7 days to clarify certain issues in the Complaint and if it deemed appropriate amend the Complaint; the Respondent would have 7 days to file a Response and the deadline to render the decision be extended by 14 days. The Complainant submitted a revised Complaint on 19 October 2020 but the Respondent did not file any Response.

3. Factual background

The complainant's trademark "JVID" and "JVID and device" are registered in different countries in class 9 and/or class 16 and/or class 41, detail as following (Certificates as "Exhibit 3"):


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	

4. Parties' Contentions

A. 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, Lei Chi Tech. Co., Ltd., is the owner of trademark “**JVID**” and “”, as well as the holder of the domain: <https://www.jvid.com/>. Conflict domain: [jvidmm.com](https://www.jvidmm.com/) was registered in 2019, the website uses identical mark, copies the complainants’ video and sells on the website. As the distinctiveness part of the domain “[jvidmm.com](https://www.jvidmm.com/)” is “jvid”, and the website uses close to identical mark on the website, 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 did not authorize nor 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 domain ([jvidmm.com](https://www.jvidmm.com/)) uses the complainant’s registered trademark “JVID” and unauthorized trademark and providing the same services on the website, the holder of this domain is intentionally taking advantage of complainant’s reputation to direct customers to purchase videos on their website, which significantly harms complainant’s business by deceiving customers and disrupting markets.

B. Respondent

The Respondent did not file a Response.

5. Findings

The Complainant’s domain name is [<jvid.com>](https://www.jvid.com/) and the disputed domain name is [<jvidmm.com>](https://www.jvidmm.com/). Based on the materials submitted, the home page of the disputed domain name referred itself to “JVID.cc”. This shows that “JVID” is the prominent part of the disputed domain name. The Respondent was offering adult content videos on the disputed domain name web site. One can also see tabs appearing on the front page of the disputed domain name described as “JVID front page”, “JVID videos”, “JVID pictures” and “JVID add value”. (collectively referred as “the JVID tabs”) The Panel therefore finds that the Respondent was in fact using the disputed domain name web site as a “JVID” web site.

As to the Complainant’s allegation that the Respondent was offering for sale videos in the disputed domain name web site which were copied from the Complainant, the Panel will not rule on this point of copyright infringement as the Complainant has not provided any evidence showing copyright ownership.

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 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 disputed domain name was created on 14 July 2019 and the earliest trade mark registration of the Complainant's "JVID" in Taiwan took effect on 1 July 2018 and in China (where the Respondent is located) on 28 July 2019. The Complainant's trade mark "JVID" is a made up word. The Panel agreed that "JVID" is the prominent part of the disputed domain name. Furthermore, the Panel has found that the Respondent was actually using it as the web site of "JVID" based on the materials submitted.

The Panel therefore finds that the Respondent's domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights under Paragraph 4 (a) (i) of the Policy.

B) Rights and Legitimate Interests

The Respondent did not file any response to (a) the Complaint notified on 21 September 2020 and (b) the revised Complaint filed on 19 October 2020. The Panel is satisfied that the Respondent has no rights or legitimate interests in respect of the domain name under Paragraph 4 (a) (ii) of the Policy.

C) Bad Faith

In view of the presence of the JVID tabs, the Panel finds that the Respondent intends to dress up the web site of the disputed domain name as a "JVID" web site, a web site which clearly belongs to the Complainant. The Respondent's clear attempt to attract, for commercial gain, customers of the Complainant to the web site of the disputed domain name amounts to bad faith as set out in Paragraph 4 (b) (iv) of the Policy.

The Panel is satisfied that the Respondent's domain name has been registered and is being used in bad faith under Paragraph 4 (a) (iii) of the Policy.

6. Decision

To conclude, the Panel has found sufficient proofs to satisfy Paragraph 4 (a) (i), 4 (a) (ii) and 4 (a) (iii) of the Policy. The Panel therefore orders that the remedy as sought by the Complainant is to be granted. The disputed domain name <jvidmm.com> is to be transferred to the Complainant.



Dora Chow
Panelist

Dated: 2 November 2020