



**(Hong Kong Office)**

**ADMINISTRATIVE PANEL DECISION**

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<b>Case No.</b>	<b>HK-2101498</b>
<b>First Complainant:</b>	<b>BB IN Technology Co., Ltd.</b>
<b>Second Complainant:</b>	<b>Yang, Jen-Chieh (楊仁傑)</b>
<b>Respondent:</b>	<b>feng ying</b>
<b>Disputed Domain Name(s):</b>	<b>&lt;bbinbet.com &gt;</b>

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

The First Complainant is BB IN Technology Co., Ltd., of 60 Market Square, P.O. Box 364, Belize City, Belize.

The Second Complainant is Yang, Jen-Chieh (“楊仁傑” in Chinese) who, since August 2004, is the Chief Executive Officer of the First Complainant.

The Respondent is feng ying, of Taipei city, taipei, TW, 100000.

The domain name at issue is <bbinbet.com> (the “Disputed Domain Name”), registered by Respondent with Name.com, Inc., of 414 14<sup>th</sup> Street #200, Denver, Colorado, USA 80202.

**2. Procedural History**

On 19 July 2021, the Complainants submitted a Complaint to the Hong Kong Office of the Asian Domain Name Dispute Resolution Center (“Center”), pursuant to the Uniform Domain Name Dispute Resolution Policy (“Policy”) adopted by the Internet Corporation for Assigned Names and Numbers (“ICANN”) on 26 August 1999, the Rules for Uniform Domain Name Dispute Resolution Policy, approved by ICANN Board of directors on 28 September 2013 (“Rules”), and the Asian Domain Name Dispute Resolution Centre Supplemental Rules to the Internet Corporation for Assigned Names and Numbers (ICANN) Uniform Domain Name Dispute Resolution Policy and the Rules for the Uniform Domain Name Dispute Resolution Policy (“Supplemental Rules”). The Center confirmed receipt of the Complaint on 19 July 2021. The Complainants elected that a single panelist decide this case.

On 19 July 2021 and again on 23 July 2021, the Center transmitted by email to the Registrar, Name.com, Inc., a request for registrar verification of the disputed domain name. On 26 July 2021, the Registrar transmitted by email to the Center its verification response,

confirming that the Respondent is listed as the Registrant and providing contact details as: telephone +886.97039999 and email aubo6688@gmail.com.

On 27 July 2021, the Center notified the Complainants by email that the Complaint, as originally submitted, did not name Respondent as the Registrant. On 1 August 2021, Complainant submitted timely, in accordance with paragraph 4 (b) of the Rules, an Amended Complaint (“Complaint”), with exhibits.

On 2 August 2021, the Center transmitted the Complaint and evidence to the Respondent by email to the Respondent’s registered email addresses, requesting that the Respondent submit a Response within 20 calendar days, further specifying the due date as being on or before 22 August 2021.

Since the Respondent defaulted and did not mention the panel selection in accordance with the time specified in the Rules, the Supplemental Rules, and the Notification, the Center informed the Complainants and the Respondent by email on 23 August 2021, that the Center would appoint a single-member panel to proceed to render the decision.

On 23 August 2021, having received a Declaration of Impartiality and Independence and a Statement of Acceptance, the Center notified the parties that the Panel in this case had been selected, with Mr. David L. Kreider, Chartered Arbitrator (UK), acting as the sole panelist. The Panel determines that the appointment was made in accordance with Rule 6 and Articles 8 and 9 of the Supplemental Rules. In accordance with the Rules, subject to exceptional circumstances, a decision for the captioned domain name dispute shall be rendered by the Panelist on or before 6 September 2021.

### **3. Factual background**

The First Complainant is BB IN Technology Co., Ltd. The Second Complainant is Yang, Jen-Chieh (“楊仁傑” in Chinese), the Chief Executive Officer of the First Complainant.

The First Complainant is a leading gaming software developer and supplier in Asia, with successful collaborations with more than 500 clients around the world. The First Complainant has been the beneficial owner of the domain name “bb-in.com” since 1 September 2005. The First Complainant licensed State Leader Co., Ltd. to hold the domain name “bb-in.com” on the 1st Complainant’s behalf until April 2015, and has always used its official website at URL: [www.bb-in.com](http://www.bb-in.com) (“First Complainant’s Website”) to promote its online gaming products.

The Complainants enjoy trademark rights under the trademark “bbin” (in various forms, the “Mark”), by way of trademark registrations of the Mark in Taiwan, Mainland China, Hong Kong, Japan and Singapore and other jurisdictions. The First Complainant is the beneficial owner of the Mark and has authorised the Second Complainant to hold the aforesaid trademark registrations on its behalf.

The Complainants’ “BBIN” group is an active participant in gaming events and exhibitions in Asia and has taken part in the Global Gaming Expo Asia (“G2E Asia”) for 7 consecutive years. G2E Asia is a premier Asian trade event and the largest regional sourcing platform for global gaming and entertainment products. The Complainants have built up a protectable goodwill in the Mark through active use of the Mark on the First

Complainant's Website and through other activities in Asia, such as participation at G2E Asia.

On its part, the Respondent in these administrative proceedings has defaulted and failed to submit timely, or at all, a Response to the Complaint.

#### 4. Parties' Contentions

##### A. Complainant

The Complainant's contentions may be summarized as follows:


##### ***1) The Disputed Domain Name is identical or confusingly similar to the Complainants' trademark***


The distinguishing element of the Disputed Domain Name is "bbin", which is identical to the "bbin" Mark in which the Complainants have rights. The first four letters of the Disputed Domain Name and the Complainants' "bbin" Mark are identical and could be mistaken easily. Given the visual and aural similarities of the Disputed Domain Name and the Complainants' official domain name "bb-in.com", the Disputed Domain Name is very likely to mislead people into thinking that the Disputed Domain Name relates to the Complainants' businesses. The other parts of the Disputed Domain Name (i.e., the letters "bet") could not practically distinguish it from the Mark to reduce the likelihood of confusion.

##### ***2) The Respondent has no rights or legitimate interests in the Disputed Domain Name***

The Complaint alleges that the Complainants have not authorised or licensed anyone to use or register any domain names consisting of their Mark "bbin" or "bb-in". The registrant of the Disputed Domain Name is "feng ying". The Complainants aver that they have no knowledge of the registrant and have no reason to believe that the registrant has any rights or legitimate interests in the Disputed Domain Name.

Further, the Complainants' assert, the Respondent's Website, to which the Disputed Domain Name resolves, attempts to mislead customers into associating the Respondent's Website with the First Complainant's Website. In particular, the Respondent's Website

prominently features a stylised "bbin" mark in the form of , which is a clear

imitation of the Complainants' stylised "bbin" Mark, i.e. . The Respondent is, therefore, clearly using the Disputed Domain Name in bad faith and not for any *bona fide* commercial purpose. As such, it cannot be said that the Respondent has any rights or legitimate interests in the Disputed Domain Name.

##### ***3) The Disputed Domain Name has been registered and used in bad faith***



The First Complainant was established in the year 1999. The First Complainant has been the beneficial owner of the domain name "bb-in.com" since 1 September 2005.



Furthermore, the Complainants' Marks  and  were registered on 20 September 2011 and 23 December 2014, respectively.

The Respondent registered the Disputed Domain Name only on 28 June 2020, nearly 9 years after the Mark was first registered and 21 years after Complainants' group became an established player in the Asian gaming industry in 1999.

The Complaint alleges that the Respondent, whose Website represents it to be a provider of integrated platform services including online games, must have been aware of the Complainants' group when it registered the Disputed Domain Name. The Respondent's

Website features the mark  which is a clear imitation of the Complainants' stylised "bbin" Mark .

The Respondent must have been aware of the Complainants' businesses and associated goodwill. The Respondent nonetheless deliberately registered the Disputed Domain Name primarily for the purpose of disrupting the business of a competitor (i.e. the Complainants), and using the Disputed Domain Name in an attempt to attract, for commercial gain, Internet users to the Respondent's Website, by creating a likelihood of confusion with the Mark. This, the Complainants allege, is clear evidence of "bad faith" under Paragraph 4(b)(iii) and (iv) of the Uniform Domain Name Dispute Resolution Policy.



#### B. Respondent

The Respondent in these administrative proceedings has defaulted and failed to submit a Response to the Complaint.



### 5. Findings

- 1) The Disputed Domain Name was registered on 28 June 2020.
- 2) The First Complainant, which describes itself as "The Leading iGaming Software Supplier in Asia", was established in the year 1999 and has been the beneficial owner of the domain name "bb-in.com" since 1 September 2005.



- 3) The Complainants' Marks  and  were registered on 20 September 2011 and 23 December 2014, respectively.

- 4) The Respondent claims to be a provider of integrated platform services including online games, as represented on the Respondent's Website to which the Dispute Domain Name resolves.

- 5) The Respondent's Website features the mark  which is a clear imitation of the Complainants' stylised "bbin" Mark .
- 6) The Respondent deliberately registered the Disputed Domain Name primarily for the purpose of disrupting the Complainants' business and is using the Disputed Domain Name to attract, for commercial gain, Internet users to the Respondent's Website, by creating a likelihood of confusion with the Mark.
- 7) The Respondent did not submit a Response to the Complaint and has not sought to refute the Complainants' evidence.

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 Complainant argues that Respondent's Disputed Domain Name is identical to Complainant's "BB IN" mark pursuant to Policy ¶ 4(a)(i). The Disputed Domain Name incorporates the Complainant's mark in its entirety. The Panel finds that the UDRP standing requirement is easily met under these facts, as the addition of the generic top-level domain ".com", a standard administrative requirement for domain name registration, and the letters "bct" at the second-level here, is insufficient to distinguishing the Disputed Domain Name from the Mark. Furthermore, the Respondent has defaulted and failed to submit a Response and does not refute the allegations in the Complaint.

The Panel finds that the first element at Policy ¶ 4(a)(i) has been satisfied.

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

The Complainants allege they have not authorised or licensed anyone to use or register any domain names consisting of their Mark "bbin" or "bb-in". They have no knowledge of the registrant "feng ying", nor any reason to believe that the registrant has any rights or legitimate interests in the Disputed Domain Name.

While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.

Here, the Complainants have made out a *prima facie* case, yet the Respondent has defaulted and failed to submit a Response and does not refute the allegations in the Complaint.

Accordingly, the Panel finds that the second element at Policy ¶ 4(a)(ii) has been satisfied.

### C) Bad Faith

The Respondent registered the Disputed Domain Name on 28 June 2020, nearly 9 years after the Mark was first registered and 21 years after Complainants' group became an established player in the Asian gaming industry in 1999.

The Respondent's Website represents that the Respondent is a provider of integrated platform services including online games. The Panel finds that the Respondent was aware of the Complainants' group when it registered the Disputed Domain Name and that it did so with the intention of targeting the First Complainant to ride unfairly on the latter's goodwill within the iGaming industry.

The Respondent's Website features the mark  which is a clear imitation of the Complainants' stylised "bbin" Mark . Having compared screenshots of the Respondent's Website with the First Complainant's Website, the Panel finds that the Respondent's Website is irrefutably designed to imitate and pass off the First Complainant.

The Respondent did not submit a Response to the Complaint and has not sought to refute the Complainant's evidence.

The Panel finds that the Respondent was aware of the Complainants' businesses and associated goodwill, yet nonetheless deliberately registered the Disputed Domain Name primarily for the purpose of disrupting the business of a competitor (i.e. the Complainants), and using the Disputed Domain Name in an attempt to attract, for commercial gain, Internet users to the Respondent's Website, by creating a likelihood of confusion with the Mark.

The Panel finds that the third element of "bad faith" registration and use under Paragraph 4(a)(iii) of the Policy has been satisfied.

## 6. Decision

Having established all three elements required under the ICANN Policy, the Panel concludes that relief shall be **GRANTED**.

It is ORDERED that the <**bbinbct.com**> domain name be **TRANSFERRED** from the Respondent to the First Complainant, BB IN Technology Co., Ltd..



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David L. Kreider  
Panelist

Dated: 24 August 2021