Asian Domain Name Dispute Resolution Centre

ADNDRC hong kong

**(Hong Kong Office)**

**ADMINISTRATIVE PANEL DECISION**

| | |
|---|---|
| **Case No.** | **HK-2101500** |
| **Complainants:** | **BB IN Technology Co., Ltd, Yang Jen-Chieh (楊仁傑)** |
| **Respondent:** | **liangjianliang** |
| **Disputed Domain Name(s):** | **<bbin.la>** |

## 1. The Parties and Contested Domain Name

The Complainants are BB IN Technology Co., Ltd, of 60 Market Square, P.O. Box 364, Belize City, Belize (the "**1st Complainant**") and Yang Jen-Chieh (楊仁傑), of 60 Market Square, P.O. Box 364, Belize City, Belize (the "**2nd Complainant**"). The Complainants' authorized representative in this matter is Eugene Low, of Hogan Lovells, 11/F, One Pacific Place, 88 Queensway, Hong Kong.

The Respondent is liangjianliang, of sea venture lian an new vicious village no. 123, shanwei, Guangdong, China 516600.

The domain name at issue is <bbin.la>, registered by Respondent with Dynadot LLC, of 210 S Ellsworth Ave #345 San Mateo, CA 94401 US (the "**Registrar**").

## 2. Procedural History

On 19 July 2021, the Asian Domain Name Dispute Resolution Centre ("**ADNDRC**") received a complaint (the "**Complaint**") filed by the Complainants pursuant to the ICANN Uniform Domain Name Dispute Resolution Policy (the "**Policy**"), the Rules for the Uniform Domain Name Dispute Resolution Policy (the "**Rules**") and the ADNDRC Supplemental Rules to the ICANN Uniform Domain Name Dispute Resolution Policy and the Rules for the Uniform Domain Name Dispute Resolution Policy (the "**Supplemental Rules**").

On 19 July 2021, the ADNDRC transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. By email of the same date the Registrar sent its response, confirming that the Respondent is listed as the registrant or holder of the Disputed Domain Name, that the Policy is applicable to the current dispute, the language of the registration agreement and provided ADNDRC with the WHOIS information regarding the Disputed Domain Name, including contact details of the Respondent. The ADNDRC sent an email communication to the Complainants on 20 July

2021 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amendment to the Complaint in English on 25 July 2021.

On 29 July 2021, the ADNDRC served on the Respondent by email a Written Notice of Complaint ("**WNC**") and that the Respondent had 20 days, on or before 18 August 2021, to submit a Response to the Complaint in accordance with the Policy, the Rules and the Supplemental Rules. The Complaint and its annexures were sent alongside the WNC issued by the ADNDRC.

The Respondent did not respond to the Complaint by the due date and on 19 August 2021 the ADNDRC issued a notification of the Respondent in Default.

On 19 August 2021, the ADNDRC appointed Mr. Douglas Clark as the sole Panelist of the Arbitration Panel in this matter. The sole Panelist has, prior to the appointment, submitted his Statement of Acceptance and Declaration of Impartiality and Independence in compliance with the Rules; and the case file was transferred by ADNDRC to the said sole Panelist on the same date.

## 3. Factual background

For the Complainants

The 1st Complainant is a gaming software developer and supplier in Asia and is the beneficial owner of the BBIN mark. The 1st Complainant is the beneficial owner of the website "bb-in.com" since 1 September 2005 and has used the website to promote its online gaming products.

The 2nd Complainant is the CEO of the 1st Complainant and is authorized by the 1st Complainant to hold the following BBIN trademark registrations on its behalf:

| Mark | Jurisdiction | Registration No. | Registrant | Registration Date (date/month/year) | Goods/Services |
|---|---|---|---|---|---|
| BBIN | Hong Kong | 302035890 | 楊仁傑 | 20-09-2011 | Class 42<br>Computer software development, etc. |
| bbin | Hong Kong | 303248343 | 楊仁傑 | 23-12-2014 | Class 41<br>Casino, entertainment, online games, etc. |
| bbin 寶盈集團 | Hong Kong | 303920058 | 楊仁傑 | 03-10-2016 | Class 41<br>Casino, entertainment, online games, etc. |
| BBIN | China | 9987511 | 楊仁傑 | 07-04-2013 | Class 42<br>Computer programming, etc. |

| Mark | Jurisdiction | Registration No. | Registrant | Registration Date (date/month/year) | Goods/Services |
|---|---|---|---|---|---|
| bbin | China | 16158219 | 楊仁傑 | 21-03-2016 | Class 41<br>Amusement parks; entertainment; providing amusement arcade services, etc. |
| bbin | China | 16158428 | 楊仁傑 | 21-03-2016 | Class 42<br>Computer software consultancy, server hosting, computer software design, computer programming, etc. |
| BBIN | Taiwan | 01537666 | 楊仁傑 | 16-09-2012 | Class 42<br>Computer graphics, design, computer programming, etc. |
| bbin | Taiwan | 01711095 | 楊仁傑 | 01-06-2015 | Class 41<br>Casino, entertainment, online games, etc. |
| bbin | Taiwan | 01711146 | 楊仁傑 | 01-06-2015 | Class 42<br>Computer graphics, computer software design, computer programming, etc. |
| bbin | Japan | 5764174 | 楊仁傑 | 15-05-2015 | Class 41<br>Entertainment information, etc. |
| bbin | Japan | 5777537 | 楊仁傑 | 10-07-2015 | Class 42<br>Computer software design, computer programming, etc. |
| bbin 寶盈集團 | Japan | 5953283 | 楊仁傑 | 09-06-2017 | Class 41<br>Entertainment information, etc. |
| bbin 寶盈集團 | Japan | 5953284 | 楊仁傑 | 09-06-2017 | Class 42<br>Computer software design, computer programming, etc. |
| BBIN | Singapore | T1113232C | YANG, JEN-CHIEH | 23-09-2011 | Class 42<br>Computer software consultancy, computer software design, etc. |
| bbin | Singapore | 40201402784Q | YANG, JEN-CHIEH | 23-12-2014 | Class 41<br>Casino services, |

| Mark | Jurisdiction | Registration No. | Registrant | Registration Date (date/month/year) | Goods/Services |
|---|---|---|---|---|---|
| | | | | | entertainment information, etc. |
| bbin 寶盈集團 | Singapore | 40201616158Y | YANG, JEN-CHIEH | 30-09-2016 | Class 41<br>Casino services, entertainment information, etc. |

For the Respondent

The Respondent is an individual based in China and registered the Disputed Domain Name on 3 September 2016. At the date of this Complaint, the Disputed Domain Name resolves to a website offering online gaming services. At the date of this Decision, the Disputed Domain Name resolves to a website of an advertising company.

## 4. Parties' Contentions

A. Complainants

The Complainants' contentions may be summarized as follows:

i. The Disputed Domain Name is confusingly similar to its trade mark. The Disputed Domain Name incorporates the Complainants' BBIN trade mark in its entirety and the addition of the term ".la" in the Disputed Domain Name does not eliminate the overall notion that the designation is connected to the trade mark and the likelihood of confusion that the Disputed Domain Name and the trade mark are associated;

ii. The Respondent has no rights or legitimate interests in the Disputed Domain Name. The Respondent is not affiliated with the Complainants in any way and the Complainants have never granted any authorisation or license to use the Complainants' trade mark. The Respondent is not commonly known by the Disputed Domain Name and their use of the Disputed Domain Name does not constitute as a bona fide offering of goods and services.

iii. The Disputed Domain Name was registered and is being used in bad faith. The Respondent was aware of the Complainants' trade mark at the time of registration and the Respondent registered the Disputed Domain Name in order to unfairly associate itself with the Complainants. The Respondent has actively used the Disputed Domain Name to attract Internet users for commercial gain, creating a likelihood of confusion with the Complainants' trade mark.

The Complainants request that the Disputed Domain Name shall be transferred to the 1st Complainant, BB IN Technology Co., Ltd.

B. Respondent

The Respondent did not respond to the Complaint.

## 5. Findings

The ICANN Uniform Domain Name Dispute Resolution Policy (which applies to the .la ccTLD) 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 Disputed Domain Name is confusingly similar to the Complainants' trade mark. The Disputed Domain Name incorporates the Complainants' BBIN trade mark in full with the country code Top-Level Domain ("**ccTLD**") ".la" added to it, which is the ccTLD for Laos. Based on previous UDRP decisions, the ccTLD ".la" is generally disregarded when considering the first element.

The Complainants have therefore satisfied the first element under Paragraph 4(a) of this Policy.

### B) Rights and Legitimate Interests

The Respondent has not asserted any rights or legitimate interests in relation to the Disputed Domain Name.

The Complainants have asserted that the Respondent has no business with and is in no way affiliated with the Complainant. The Respondent is not authorized nor licensed to use the Complainants' BBIN trade mark or to apply for registration of the Disputed Domain Name. The Respondent's use of the BBIN trade mark and the Disputed Domain Name does not constitute as a bona fide offering of goods or services. The Respondent is not commonly known by the Disputed Domain Name, and to the best of the Complainants' knowledge, the Respondent does not own any registration or application of the BBIN trade mark.

In addition, the Respondent has not responded to any of the Complainants' contentions. The Panel finds that the Complainants have made a prima facie case that the Respondent lacks rights or legitimate interests, which has not been rebutted by the Respondent. Accordingly, the Respondent has no rights or legitimate interests in regard to the Disputed Domain Name.

The Complainants have therefore satisfied the second element under Paragraph 4(a) of the Policy.

### C) Bad Faith

The Panel finds the Disputed Domain Name was registered and is being used in bad faith.

The Disputed Domain Name was registered long after the Complainants have registered the BBIN trade mark and the Complainants have used the trade mark for more than 5 years prior to the registration. Further, the website the Disputed Domain Name resolved to at the date the Complaint was filed featured the marks  and  both of which imitate the Complainants' stylized BBIN trade mark. (At the date of this decision the marks are not on the website.) The Panel is satisfied that the Respondent was aware of the Complainants and its BBIN trade mark when it registered the Disputed Domain Name.

It appears to the Panel that the Respondent has registered the Disputed Domain Name to attract Internet users to the website for commercial gain in accordance with paragraph 4(b)(iv) of the Policy. The Disputed Domain Name resolved to a website offering online gaming services and the Respondent is presenting itself as an online gaming platform similar to the services provided by the 1st Complainant. Furthermore, the website presents itself as an official website of the 1st Complainant by referring to it as "BBIN 集团, BBIN 官方网站" in the tagline of the webpage.

For the above reasons, the Panel finds that the Disputed Domain Name was registered and is being used in bad faith.

The Complainants have therefore satisfied the third element under paragraph 4(a) of the Policy.

## 6. Decision

For the foregoing reasons, in accordance with Paragraph 4(a) of the Policy and Paragraph 15(a) of the Rules, the Panel orders that the disputed domain name <bbin.la> be transferred to the 1st Complainant, BB IN Technology Co., Ltd.

Douglas Clark
Sole Panelist

Dated: 6 September 2021