



**(Hong Kong Office)**

**ADMINISTRATIVE PANEL DECISION**

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<b>Case No.</b>	<b>HK-2101557</b>
<b>Complainant:</b>	<b>Softbank Group Corp.</b>
<b>Respondent:</b>	<b>Yixin Network Technology Co., Ltd.</b>
<b>Disputed Domain Name:</b>	<b>&lt;sbginvestment.com&gt;</b>

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

The Complainant is Softbank Group Corp., of 1-7-1, Minato-ku, Tokyo 105-7537, Japan, represented by Paddy Tam, CSC Digital Brand Services Group AB, Sweden.

The Respondent is Yixin Network Technology Co., Ltd./ JINGLE JUCO, of MANILA, PUSSY, 101HOTEL 101HOTEL, PASSY, Manila 85014, Philippines.

The domain name at issue is <sbginvestment.com> (the “Domain Name”), registered by Respondent with NameSilo, LLC, of 1300 E. Missouri Ave. Suite A-110, Phoenix AZ 85014, United States (“the Registrar”).

**2. Procedural History**

The Complaint was filed with ADNDRC (Hong Kong Office) on October 11, 2021. On October 12, 2021, ADNDRC transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name and the Registrar confirmed by e-mail to ADNDRC that the Domain Name is registered with the Registrar and disclosed registrant and contact information for the Domain Name which differed from the named Respondent and contact information in the Complaint. The Registrar has verified that the Respondent is bound by the Registrar’s registration agreement and has thereby agreed to resolve domain disputes brought by third parties in accordance with ICANN’s Uniform Domain Name Dispute Resolution Policy (the “Policy”).

ADNDRC sent an email communication to the Complainant on October 12, 2021 providing the registrant and contact information disclosed by the Registrar and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint that day. ADNDRC verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Policy and the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”).

In accordance with the Rules, paragraphs 2 and 4, ADNDRC formally notified the Respondent of the Complaint, and the proceedings commenced on October 13, 2021. In

accordance with the Rules, paragraph 5, the due date for Response was November 2, 2021. The Respondent did not submit any response. Accordingly, ADNDRC notified the Respondent's default on November 3, 2021.

On November 5, 2021, pursuant to the Complainant's request to have the dispute decided by a single-member Panel, ADNDRC appointed Alan L. Limbury as the sole Panelist. The Panelist certifies that he has acted independently and impartially and to the best of his knowledge has no known conflict in serving as Panelist in this proceeding.

### **3. Factual background**

The Complainant, Softbank Group Corp., is a Japanese multinational conglomerate holding company established in 1981. It is the parent company of a global portfolio of subsidiaries and affiliates involved in investment activities, advanced telecommunications, internet services, Internet of Things, robotics and clean energy technology providers. The Complainant is the owner of trademark registrations for SB and SOFTBANK.

The Respondent, Yixin Network Technology Co., Ltd./ JINGLE JUCO, registered the Domain Name on July 22, 2021.

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

#### **A. Complainant**

The Complainant's contentions may be summarized as follows:

- i. The Domain Name <**sbginvestment.com**> is confusingly similar to the Complainant's SB and SOFTBANK trademarks.
- ii. The Respondent has no rights or legitimate interests in respect of the Domain Name. The Respondent is not sponsored by or affiliated with the Complainant and is not licensed, authorized, or permitted to use the Complainant's trademarks in any manner. The Respondent is not commonly known by the Domain Name. The Respondent's website creates the impression that it is authorized and administered by the Complainant. The Respondent's purpose is to fool unsuspecting visitors into divulging their personal information by redirecting them to a login page that prominently displays a logo closely resembling the Complainant's SB logo. This use of the Domain Name fails to constitute a bona fide offering of goods or services pursuant to Policy ¶4(c)(i) or a legitimate noncommercial or fair use pursuant to Policy ¶4(c)(iii).
- iii. The Domain Name has been registered and is being used in bad faith. The Complainant and its SB and SOFTBANK trademarks are known internationally, with trademark registrations across numerous countries. The Complainant has marketed and sold its goods and services using these trademarks well before the Respondent's registration of the Domain Name on July 22, 2021. The SB and SOFTBANK trademarks are so closely linked and associated with the Complainant that the Respondent's use of these marks or any minor variation thereof strongly implies bad faith.

- iv. The Respondent is using the Domain Name's website fraudulently to impersonate the Complainant for purposes of launching a phishing attack, which is evidence of bad faith use. The Respondent has attempted to duplicate the Complainant's SB logo, and any Internet user deceived into believing that the Complainant was the source of the website could unsuspectingly supply the Respondent with personal or financial information as part of the Respondent's phishing scheme, which requests the user's phone number, password and/or e-mail address, thus demonstrating bad faith registration and use under Policy ¶ 4(a)(iii).
- v. On the same day as the Respondent registered the Domain Name, the Respondent registered the domain name <sbginvestment.in> that also infringes upon Complainant's SB and SOFTBANK trademarks, thereby engaging in a pattern of cybersquatting, which is evidence of bad faith registration and use.
- vi. At the time of initial filing of the Complaint, the Respondent employed a privacy service to hide its identity, which past Panels have held serves as further evidence of bad faith registration and use.
- vii. The Respondent provided false Whois information to the Registrar (noted to be in breach of its registration agreement). By stating a false address "MANILA,PUSSY, 101HOTEL, 101HOTEL PASSY, manila 85014,PH", the Respondent attempted to conceal its true identity. Such falsified information is another indication of the Respondent's bad faith.
- viii. Finally, on balance of the facts set forth above, it is more likely than not that the Respondent knew of and targeted Complainant's trademark, and the Respondent should be found to have registered and used the Domain Name in bad faith.

**B. Respondent**

The Respondent failed to submit a Response in this proceeding.

**5. Findings**

The Complainant has established all the elements entitling it to relief.

The Policy provides, at Paragraph 4(a), that each of three findings must be made in order for a Complainant to prevail:

- i. the Respondent's Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- ii. the Respondent has no rights or legitimate interests in respect of the Domain Name; and
- iii. the Respondent's Domain Name has been registered and is being used in bad faith.

In view of the Respondent's failure to submit a response, the Panel shall decide this administrative proceeding on the basis of the Complainant's undisputed representations pursuant to paragraphs 5(f), 14(a) and 15(a) of the Rules and draw such inferences it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable allegations set forth in a complaint; however, the Panel may deny

relief where a complaint contains mere conclusory or unsubstantiated arguments. *See* WIPO Jurisprudential Overview 3.0 at ¶ 4.3.

#### **A) Identical / Confusingly Similar**

The Complainant has shown that it has rights in the =SB and SOFTBANK trademarks based upon numerous registrations, including with the Japanese Patent Office (*e.g.* No. 5594346 for the =SB figurative mark, registered on June 28, 2013 and No. 1858515 for the SOFTBANK word mark, registered on April 23, 1986).

The Respondent's <**sbginvestment.com**> Domain Name is confusingly similar to both of the Complainant's marks because it incorporates the two letters of the figurative =SB mark, themselves a recognizable abbreviation of the SOFTBANK word mark, adding only the letter "g", and the generic word "investment". These additions, far from distinguishing the Domain Name from the marks, reinforce an association with the Complainant because the letters "SBG" are a well-known abbreviation of the Complainant's corporate name SoftBank Group Corp and the word "investment" relates to the Complainant's business. The inconsequential ".com" generic top-level domain may be disregarded.

The Complainant has established this element.

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

Paragraph 4(c) of the Policy sets out three illustrative circumstances as examples which, if established by the Respondent, shall demonstrate rights to or legitimate interests in the Domain Name for purposes of paragraph 4(a)(ii) of the Policy, *i.e.*

- (i) before any notice to the Respondent of the dispute, the use by the Respondent of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a *bona fide* offering of goods or services; or
- (ii) the Respondent (as an individual, business or other organization) has been commonly known by the Domain Name, even if the Respondent has acquired no trademark or service mark rights; or
- (iii) the Respondent is making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert customers or to tarnish the trademark or service mark at issue.

The Domain Name was registered on July 22, 2021, many years after the Complainant registered its =SB and SOFTBANK trademarks, which the Complainant has shown to have become very well-known. The Domain Name resolves to a website prominently displaying the sign =SBG and inviting Internet users to register with their personal information as "The first step to the freedom of wealth".

These circumstances, together with the Complainant's assertions, are sufficient to constitute a *prima facie* showing of absence of rights or legitimate interests in respect of the Domain Name on the part of the Respondent. The evidentiary burden therefore shifts to the Respondent to show that it does have rights or legitimate interests in the

<**sbginvestment.com**> domain name. See *Neal & Massey Holdings Limited v. Gregory Ricks*, FA 1549327 (FORUM Apr. 12, 2014). The Respondent has made no attempt to do so.

The Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name.

The Complainant has established this element.

### **C) Bad Faith**

Paragraph 4(b) of the Policy sets out some circumstances which shall be evidence of the registration and use of a domain name in bad faith for purposes of paragraph 4(a)(iii) of the Policy. As noted in the WIPO Jurisprudential Overview 3.0, Section 3.1, those circumstances are not exclusive and a complainant may demonstrate bad faith under paragraph 4(a)(iii) by showing that a respondent seeks to take unfair advantage of, abuse, or otherwise engage in behavior detrimental to the complainant's trademark.

The circumstances set out above in relation to the second element satisfy the Panel that the Respondent was fully aware of the Complainant's well-known =SB and SOFTBANK trademarks when Respondent registered the <**sbginvestment.com**> Domain Name and that the Respondent did so in bad faith with intent to take unfair advantage of the Complainant's marks and to mislead Internet users into believing they were dealing with the Complainant so as to phish for their personal and financial information.

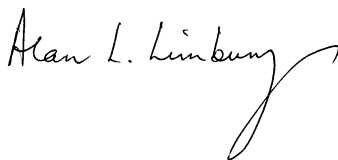
Accordingly, the Panel finds the Respondent registered and is using the Domain Name in bad faith.

The Complainant has established this element.

## **6. Decision**

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

Accordingly, it is Ordered that the <**sbginvestment.com**> domain name be **TRANSFERRED** from the Respondent to the Complainant.



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Alan L. Limbury  
Panelist

Dated: November 8, 2021.