



Asian Domain Name Dispute Resolution Centre

hongkong

(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2301710
Complainant:	CBS BROADCASTING INC.
Respondent:	Wei Ni
Disputed Domain Name(s):	<CBSNEWSDETROIT.COM>

1. The Parties and Contested Domain Name

1. The Complainant is CBS BROADCASTING Inc. of 1515 Broadway New York, NEW YORK, 10036 USA.
2. The Respondent is Weini of Jiangxi Province, Nan Chang Xian, Nan Chang Shi, Sheng Zhengfu Da Yu, Peoples Republic of China
3. The domain name at issue is <CBSNEWSDETROIT.COM> (“Disputed Domain Name”), registered by the Respondent with Dynadot4 LLC, of 210 S Ellsworth Ave 345 San Mateo, CA 94401 US (“Registrar”)

2. Procedural History




4. The Complainant filed this complaint with the Asian Domain Name Dispute Resolution Centre (ADNDRC) (Hong Kong Office) (“Centre”) on 03 January 2023, pursuant to the Uniform Domain Name Dispute Resolution Policy (“Policy”) approved by the Internet Corporation for Assigned Names and Numbers (“ICANN”) on 24 October 1999, the Rules for Uniform Domain Name Dispute Resolution Policy (“Rules”), approved by ICANN Board of Directors on 28 September 2013 and the ADNDRC Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (“Supplemental Rules”) effective from 31 July 2015.
5. On 04 January 2023, the Centre transmitted by email to the Registrar a request for confirmation of the WHOIS records of the Disputed Domain Name and other related information. On the same day, the Registrar confirmed by email that it is the registrar of the Disputed Domain Name that was registered by the Respondent; and that the Policy is applicable to the dispute relating to the Disputed Domain Name and the language of the Registration Agreement of the Disputed Domain Name is English and provided to the Centre the Respondent’ email address and other WHOIS information of the Disputed Domain Name.

6. A copy of the Complaint was sent to the Respondent on 16 January 2023. The due date for the Respondent to submit a Response to the Complaint was 05 February 2023. The Respondent failed to file a response within the time limit and on 06 February 2023 the Centre issued a notification that the Respondent was in default.
7. On 06 February 2023, after confirming that he was able to act independently and impartially between the parties, the ADNDRC appointed Mr David Allison as the Panellist in this matter.

3. Factual background

8. The Complainant is a wholly-owned subsidiary of Paramount Global, a well-known mass media company that creates and distributes industry-leading content across a variety of platforms to audiences around the world. The Complainant owns the most-watched television network in the US and is a global leader in entertainment, news and sports programming. The Complainant's CBS News, a highly praised news website in the world, provides world events, local news, regular news, financial and investment information, etc.
9. The Complainant has registered a large number of trademarks in numerous jurisdictions, including United States of America, Peoples Republic of China and Hong Kong SAR. Among its trademarks are:

USA


	Trademark	Reg. No.	Class(es)	App. Date	Reg. Date
1.	CBS NEWS	3070089	38, 41	19 Nov 2003	21 March 2006
2.	CBS	0852481	38	31 July 1967	9 July 1968
3.		2758242	41	15 April 2002	2 September 2003
4.		3394195	35	23 Feb 2007	11 March 2008
5.		0777570	38	15 Oct 1963	22 Sept 1964
6.	CBS NEWS. ALWAYS ON.	4793448	41	10 Oct 2014	18 August 2015
7.		5319796	38	10 Oct 2014	31 Oct 2017
8.	CBS NEWS TO GO	5027501	41	26 Jan 2014	23 August 2016
9.		5027500	38	26 Jan 2014	23 August 2016
10.	CBS NEWS RADIO	6493529	35	11 August 2017	21 Sept 2021
11.		5677625	38	11 August 2017	19 Feb 2019
12.		5677624	41	11 August 2017	19 Feb 2019
13.		6493528	35	11 August 2017	21 Sept 2021
14.		5677623	38	11 August 2017	19 Feb 2019
15.		5677622	41	11 August 2017	19 Feb 2019

Hong Kong SAR

	Trademark	Reg. No.	Class	App. Date	Reg. Date
1.	CBS/cbs	300606483AA	9	24 March 2006	6 Oct 2006

	Trademark	Reg. No.	Class	App. Date	Reg. Date
2.		300606483AB	38	24 March 2006	6 Oct 2006
3.		300606483AC	41	24 March 2006	6 Oct 2006
4.	CBS	199900881	38	14 Nov 1992	22 Jan 1999

Peoples Republic of China

	Trademark	Reg. No.	Class(es)	App. Date	Reg. Date
1.	CBS	5217442	9	16 March 2006	21 May 2009
2.		5172473	38	23 Feb 2006	28 August 2009
3.		5172472	41	23 Feb 2006	28 June 2009
4.		24953422	9	23 June 2017	7 Dec 2018
5.		39083610	9	24 June 2019	21 June 2021
6.		39076628	35	24 June 2019	21 June 2021
7.		39068834	41	24 June 2019	7 June 2021
8.		39076361	42	24 June 2019	21 June 2021

10. The Complainant has also registered and used the domain name www.cbs.com since 16 December 1993 and www.cbsnews.com since 04 October 1994.
11. The Respondent is Wei Ni, is an individual residing in the People's Republic of China. As the Respondent has not responded to the Complaint and no information about the Respondent is shown on the Disputed Domain, little is known about the Respondent.

4. Parties' Contentions

A. Complainant

The Complainant's contentions may be summarized as follows:

- i. The disputed domain name is identical to the trademarks owned by the Complainant; and
- ii. The Respondent has no rights or interests in the disputed domain name since the disputed domain name has no relation to the Respondent's business;
- iii. The disputed domain name has been registered and is being used in bad faith.

B. Respondent

The Respondent has not filed any response to the Complaint.

5. Findings

12. 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

13. The Complainant has adduced a large body of evidence to demonstrate that it has clear trademark rights to the "CBS" and "CBS NEWS" trademarks in many countries. These include the Respondent's home country, China. The Complainant has also provided abundant relevant evidence to clearly establish that the trademark "CBS" is relatively well-known and has a high reputation among the relevant public. As such, the Panel finds that the Complainant has sufficient rights and interests in the "CBS" and "CBS NEWS" marks.
14. The Complainant's marks and the disputed domain name are clearly confusingly similar in respect of their key elements – ie CBSNEWS. The disputed domain name admittedly also has the additional element "DETROIT" but this does nothing to reduce the confusing similarity between the Complainant's marks and the disputed domain name. Previous panels have held that the mere addition of a geographical modifier does not of itself reduce the incidence of confusion. This reasoning is equally applicable in this case since consumers would not regard the "DETROIT" element as particularly distinctive but rather would likely regard it as a modifier or sub-site of the dominant "CBSNEWS" site.
15. When comparing the dominant and distinctive element of the Disputed Domain Name and the Complainant's CBS and CBS NEWS trademarks, it is clear that they are confusingly similar. As such, the Complainant has made out the first element.

B) Rights and Legitimate Interests

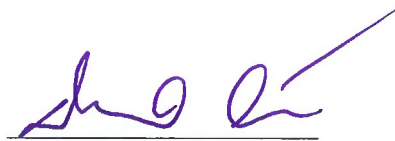
16. The Complainant argues that the Respondent has no rights or legitimate interests in the disputed domain name. Evidence provided by the Complainant suggests that the disputed domain name is being used in connection with some form of online gambling. Further, the evidence of the disputed domain name does not show an obvious relationship with the disputed domain or any legitimate use or relationship between the Respondent's business and the Disputed Domain Name.
17. The Respondent has chosen a domain name which is deceptively similar to the Complainants' well-known and distinctive trademarks despite the fact that neither the content on the disputed domain name nor the Respondent's business name appears to have any relationship whatsoever with the "CBS" or "CBS NEWS" marks.
18. As there is no obvious, legitimate reason why the CBSNEWS name has been chosen and as the Respondent has not responded to the Complaint, there is no evidence to counter the Complainants' claim. Therefore, the second element is made out.

C) Bad Faith

19. To establish the third element, the Complainant must establish that the Respondent both registered and is using the disputed domain name in bad faith. In this case, the Complainant has registered and actively used its distinctive and well-known trademarks for many years and is an extremely well-known company worldwide in relation to entertainment services. As such, it is highly unlikely that the Respondent would have been unaware of the Complainant's marks and websites prior to registering the disputed domain name.
20. Bad faith may be established if UDRP paragraph 4(b)(iv) is satisfied, namely that "*... by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website ... by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site ... or a product or service on your website*"
21. Here, it appears that selection of the disputed domain name was made purely to attract users to the Respondent's website for commercial gain. It is a clear attempt to try and suggest some form of connection to the Complainant where there is in fact none. Accordingly, the Respondent's use of the disputed domain name and the website meet the definition under UDRP paragraph 4(b)(iv). As such, the Panel concludes that the third element is made out.

6. Decision

22. The Panel finds that the Complainant has satisfied all three elements of UDRP paragraph 4(a). Accordingly, the Panel orders that the disputed domain name <CBSNEWSDETROIT.COM > be transferred to the Complainant.



David Allison
Panellist

Dated: 20 February 2023