ADNDRC Asian Domain Name Dispute Resolution Centre
Hong Kong

(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2301766
Complainant:	Antpool Technologies Limited
Respondent:	Bill CLINTON
Disputed Domain Name(s):	**<antpool.digital>**

1. The Parties and Contested Domain Name

The Complainant is Antpool Technologies Limited of 2701, 27TH FLOOR, CENTRAL PLAZA, 18 HARBOUR ROAD, WANCHAI, HONG KONG.

The Respondent is Bill CLINTON of Wilmington, Delaware, United States.

The domain name at issue is <antpool.digital>, registered by Respondent with NameCheap, Inc..

2. Procedural History

The Complainant filed the Complaint with the Asian Domain Name Dispute Resolution Centre (ADNDRC) (Hong Kong Office) on 16 June 2023. On 19 June 2023, ADNDRC sent a New Case Notification email to NameCheap, Inc., the registrar of the disputed domain name ("the Registrar").

The Registrar responded by email on 19 June 2023 disclosing details of the registrant of the domain name at issue and that the domain name at issue was created on 27 August 2021. A Notification of Deficiencies of the Complaint was sent by ADNDRC to the Complainant on 20 June 2023 regarding the details of the Respondent. ADNDRC also requested the Complainant to change the Complaint from Chinese to English as the language of the Registration Agreement of the disputed domain name <antpool.digital> was in English, it followed that the language of these proceedings should be English. The Complainant amended the Complaint with respect of the details of the Respondent on 20 June 2023. The Complainant also informed ADNDRC that it had selected Chinese to be the language of the proceedings ("the Complainant's choice of language") and if the Respondent would disagree, it would comply to any decision to be made by the Panelist.

The Respondent was formally notified of the Complaint on 26 June 2023 and was told to submit a Response on or before 16 July 2023 pursuant to Article 5 of the Rules. ADNDRC also pointed out to the Respondent on 26 June 2023 that the language of the Registration Agreement of the disputed domain name <antpool.digital> was English, it followed that the language of these proceedings should be English as well as the Complainant's choice of language. ANDRC also asked the Respondent to respond to this issue of the language of the proceedings on or before 1 July 2023.

ADNDRC informed the parties on 17 July 2023 that it did not receive a Response from the Respondent.

On 21 July 2023, ADNDRC informed the parties 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 4 August 2023 unless there is exceptional circumstance.

The Panelist ruled in the Administrative Panel Order No 1 issued on 24 July 2023 that the language of these proceedings should be English. The Complainant was given 20 days to file English translation to the Complaint and all attachments which were in Chinese; the Respondent would have 20 days upon receipt of the English translation to file a Response and the deadline to render the decision be extended to no later than 13 September 2023. The Complainant submitted the Complaint in English on 27 July 2023 but the Respondent did not file any Response.

3. Factual background

The Complainant is the right holder of the "ANTPOOL", "ANTPOOL "and "ANTPOOL " trademarks and has registered the above-mentioned trademarks in multiple countries and regions. A brief list is as follows:

#	Trademark	Trademark Number	Class	Date of Registration	Country/Region of Registration
1.	ANTPOOL	303602961	9/36/42	2015/11/19	HONG KONG, CHINA
2.	ANTPOOL	IR No.1352717	36/42	2016/2/15	INTL. REGISTRATION (AUSTRALIA, BAHRAIN, SWITZERLAND, EUROPE, ISRAEL, INDIA, JAPAN, KOREA, NEW ZEALAND, SERBIA, RUSSIA, TURKEY,

#	Trademark	Trademark Number	Class	Date of Registration	Country/Region of Registration
					UKRAINE, UNITED STATES OF AMERICA）
3.	ANTPOOL	2018058684	9	2018/4/25	MALAYSIA
4.	ANTPOOL	2018058691	36	2018/4/25	MALAYSIA
5.	ANTPOOL	2018058693	38	2018/4/25	MALAYSIA
6.	ANTPOOL	2018058695	42	2018/4/25	MALAYSIA
7.	ANTPOOL	2018058698	45	2018/4/25	MALAYSIA
8.	ANTPOOL	5634859	42	2018/12/25	UNITED STATES OF AMERICA
9.	ANTPOOL	TMA1016312	9/36/42	2019/3/1	CANADA
10.	ANTPOOL	01972873	9/36/42	2019/2/16	TAIWAN, CHINA
11.	ANTPOOL	40201810952T	9/35/36/38/42/45	2019/4/30	SINGAPORE
12.	ANTPOOL	33808518	38	2021/7/14	CHINA
13.	ANTPOOL	33813130	45	2021/7/14	CHINA
14.	ANTPOOL	47899258	36	2022/3/14	CHINA
15.	ANTPOOL	47894251	41	2022/3/14	CHINA

#	Trademark	Trademark Number	Class	Date of Registration	Country/Region of Registration
16.	ANTPOOL	305917573AA	6/11/37/39	2022/3/25	CHINA
17.	ANTPOOL	305917555AA	6/11/37/39	2022/3/25	HONGKONG, CHINA

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's "ANTPOOL" brand was founded in 2014 and was divested from the original operating entity in 2021. It is the world's leading blockchain computing product brand, with first-class technical team and hardware equipment support, and has always been at the forefront of competing products globally since its launch. The Complainant and its affiliates have business locations in Hong Kong, Singapore, and other regions.

The Complainant and its affiliates have prior trademark rights, prior trade name rights, and other related rights in respect of the "ANTPOOL", "ANTPOOL" and "ANTPOOL" marks in various countries and regions worldwide. The Complainant and its affiliates hold registered trademarks for marks such as "ANTPOOL", "ANTPOOL" and "ANTPOOL" and have been using marks including "ANTPOOL" as their trade name in Mainland China, Hong Kong (China), Singapore, the United States, the European Union, Switzerland, and other countries and regions since 2014. The Complainant's affiliate registered the domain name <antpool.cn> as early as in 2016 and holds it to this day.

The Complainant and its "ANTPOOL", "ANTPOOL" and "ANTPOOL" brands are well-known and influential all over the world in the fields of blockchain. After the official launch in mid-November 2014, ANTPOOL's computing power continues to increase rapidly, and the scale reached the second in the world of competing products in December of that year, and it has steadily ranked in the forefront of competing products in the world for many years; it became the world's first similar product with computing power exceeding 1,000PH/s in mid-2017, and its computing power accounted for more than 1/4 of the global network's computing power in the peak; In 2022, ANTPOOL's computing power reached a staggering 3,5110PH/s; by 2023, the blocks produced by ANTPOOL and another competing brand had exceeded 50% of

the global capacity. ANTPOOL is of course known as a giant in the field. The Complainant's ANTPOOL products are industry-leading products occupying the majority share of the global market, and possessing a high visibility and influence in the global blockchain and related fields.

The disputed domain name <antpool.digital> incorporates the Complainant's "ANTPOOL" trademark and tradename in its entirety. Precedents have shown that when a domain name incorporates a trademark or is confusingly similar to a trademark, the domain name is identical or confusingly similar to that trademark, regardless of the presence of other words contained in the domain name (WIPO Case No. D2009-1325, WIPO Case No. D2009-0121, WIPO Case No. D2007-1064). In this very case, the main part of the disputed domain name is "antpool", which is identical to the Complainant's registered trademarks and tradename "ANTPOOL", and the TLD extension ".digital" does not preclude the possibility of confusion between the disputed domain name and the Complainant's prior trademarks and tradename.

In summary, the disputed domain name is identical to the Complainant's trademark and is likely to cause confusion among the relevant public.

ii) The Respondent has no rights or legitimate interests in respect of the domain name(s):

It's obvious that:

(1) The disputed domain name was registered on August 27, 2021, long after the Complainant and its affiliates' earliest use and registration of the "ANTPOOL", "ANTPOOL" and "ANTPOOL" trademarks and tradename.

(2) There is no relationship between the Complainant and the Respondent. The Complainant has never authorized the Respondent to register or use any trade name, trademark, or domain name related to "ANTPOOL", "ANTPOOL" and "ANTPOOL".

iii) The disputed domain name(s) has/have been registered and is/are being used in bad faith:

(1) The Respondent was aware of or at least should have been aware of the Complainant's "ANTPOOL" trademarks and acted in bad faith in registering the disputed domain name.

Given that it's simple and easy to register a domain name, and there is no strict examination standard for applying for a domain name, the registrant of a domain name shall exercise basic duty of care at the outset of the registration of the domain name. That said, the registrant is responsible for whether its registered domain name will infringe the legitimate rights and interests of others, especially for those trademark rights that can be simply ascertained. Only if the registrant had conducted a basic search and found that the domain name did not infringe the rights

and interests of others, can the registration of a domain name be said to be legitimate and undisputed. Any failure to perform such a duty of care can neither be a reasonable defense of ignorance of the rights and interests of others nor preclude the presumption on registration of the domain name in bad faith. (See [Zippo Manufacturing Company] v. huangyang Case No. CN-1400815). Therefore, the Respondent failed to exercise basic duty of care in registering the disputed domain name. Such registration itself shall be presumed to be in bad faith.

In addition, as previously mentioned, the Complainant has prior trademark rights in respect of the "ANTPOOL", "ANTPOOL" and "ANTPOOL" trademarks. Moreover, the Complainant's "ANTPOOL" trademarks are not ordinary English words. Instead, they are highly original and distinctive made-up marks that have developed remarkable international reputation through the Complainant and its affiliates' long-term use. In this case, the disputed domain name was registered on August 27, 2021, much later than the date of registration and use of the Complainant's "ANTPOOL" trademarks. When registering the disputed domain name, the Respondent was aware of or at least should have been aware of, that the Complainant and its affiliates had prior rights and interests in the "ANTPOOL" trademarks. However, the Respondent still chose to register the disputed domain name <antpool.digital>, whose main body had incorporated the aforementioned marks in which the Complainant and its affiliates had prior rights and interests. It is likely to confuse the relevant public that the disputed domain name is commercially related to the Complainant. Such registration was obviously conducted in bad faith.

(2) The Respondent's use of the disputed domain name is likely to confuse the relevant public into believing that the website at the disputed domain name is the official website of the Complainant or its affiliates. It is a typical case of impersonating the Complainant's identity and intentionally misleading the relevant public to obtain unjustified commercial interests, therefore constitutes using the domain name in bad faith.

The disputed domain name has incorporated the Complainant's "ANTPOOL" trademark in its entirety, which in itself is likely to confuse the relevant public into believing that the website is affiliated with the Complainant. To cause further confusion, the Respondent also operated the website at the disputed domain name in malicious ways, including but not limited to:

(a) using names and trademarks that are identical to the trademarks and trade names in which the Complainant and its affiliates have prior rights; and

(b) running the same blockchain related business as that of the Complainant's main business, naming its so-called service as "Antpool Investments", "Antpool Digital Assets" and other phrases that incorporate registered trademarks "ANTPOOL" in its entirety; and

(c) proclaiming as "began researching blockchain technology in 2014", "a Singapore limited liability company", "began developing blockchain solutions in 2014" in the "History of Belief", "About Us" sections and bottom of home page of the website at the disputed domain name, introduction of which obviously refers to the Complainant.

In conclusion, the Respondent was aware of or at least should have been aware of the existence of the Complainant and its "ANTPOOL" marks. However, the Respondent still registered the disputed domain name <antpool.digital> incorporating such mark in its entirety, which constitutes registration of the disputed domain name in bad faith. To cause further confusion, the Respondent had also been running business falling into the main business scope of the Complainant, prominently using the Complainant's trademark/trade name on the website at the disputed domain name. The Respondent tried to mislead the relevant public to visit the website to obtain illegal commercial gains, and the website had also been engaged in defrauding the consumers when offering the same service as that of the Complainant's main service, which has seriously damaged the Complainant's normal business order, therefore constitutes malicious use.

The disputed domain name has been registered and is being used in bad faith.

B. Respondent

The Respondent did not file a Response.

5. Findings

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's name is Antpool Technologies Limited and its official domain name <antpool.cn> was registered in 2016. The Complainant is the world's leading blockchain computing product brand, with first class technical team and hardwire equipment support. The Complainant and its affiliates have business locations in Hong Kong, Singapore and other regions. Between 2015 – 2022, the Complainant's trademarks "ANTPOOL" and "ANTPOOL" had been registered in many countries in the world including but not limited to Hong Kong, Taiwan, China, United States, Canada, Malaysia and Singapore. The disputed domain name <antpool.digital> was registered on 27 August 2021.

According to Paragraph 1.7 of WIPO Jurisprudential Overview 3.0, "The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the complainant's trademark and the disputed domain name. This test typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name."

The disputed domain name consists of the word "Antpool" and the generic top level domain ".digital". The first part "Antpool is identical to the Complainant's trade name and trademark "Antpool". The generic top level domain ".digital" is to be disregarded in this confusingly similarity test, please see Paragraph 1.11 WIPO Jurisprudential 3.0 .

The Panel therefore finds the disputed domain name is identical or confusingly similar to the Complainant's trade name and trademark "Antpool" which the Complainant has rights under Paragraph 4(a)(i) of the Policy.

B) Rights and Legitimate Interests

The Complainant claimed that it has not authorized the Respondent to register or use any trade name, trademark or domain name relating to "Antpool". The Complainant also claimed no relationship between the Complainant and the Respondent.

The Respondent had tried to operate a website offering the same service as that of the Complainant namely blockchain computing, utilizing the disputed domain name. The Panel considers that such unauthorized use of the Complainant's trade name and trademark would not vest any legitimate rights or interests in the Respondent.

The Respondent did not file a Response despite being sent the Complaint in Chinese on 27 July 2023. The Respondent did not file a Response within the scheduled time limit even after the Complaint in English was served on him.

According to Paragraph 2.1 WIPO Jurisprudential 3.0, "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."

The Panel is satisfied that the Respondent has no rights or legitimate interests in respect of the disputed domain name under Paragraph 4(a)(ii) of the Policy.

C) Bad Faith

According to the evidence filed by the Complainant, the Respondent used both of the Complainant's registered trademark " ANTPOOL " and "ANTPOOL" in the website utilizing the disputed domain name ("this Website"). The unauthorized use of the Complainant's registered trademarks in this Website would give the general public an

impression that they have arrived the Complainant's official website or that this Website had been endorsed by the Complainant. Through this Website, the Respondent was inviting the general public to invest in the Antpool Digital Assets. This Website also claimed that "The highly volatile and speculative nature of digital assets can offer a significant opportunity to skilled professionals to increase their net worth exponentially through wise investments and here at Antpool we help our investors do just that."

According to Paragraph 4(b) of the Policy, the following circumstance, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

" (iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location."

The Panel is satisfied that the Respondent had intentionally attempted to direct Internet traffic to this Website, for commercial gain. It follows that the element of bad faith under Paragraph 4(a) (iii) of the Policy has been established.

6. Decision

To conclude, the Panel has found sufficient evidence to satisfy Paragraph 4(a)(i), 4(a)(ii) and 4(a)(iii) of the Policy. The Panel therefore orders that the disputed domain name <antpool.digital> **be transferred** to the Complainant.

Dora Chow
Panelist

Dated: 4 September 2023