



Asian Domain Name Dispute Resolution Centre

hong kong

(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2401883
Complainant:	Tencent Holdings Limited
Respondent:	CATCHDADDY LLC / Registration Private
Disputed Domain Name(s):	<lightofmotiram.com>

1. The Parties and Contested Domain Name

The Complainant is Tencent Holdings Limited, of P.O Box 2681 GT, Century Yard, Cricket Square, Hutchins Drive, George Town, Grand Cayman, Cayman Islands.

The Respondent is CATCHDADDY LLC / Registration Private, of 1300 E. Missouri Avenue Suit A-110, Pheonix, AZ, 85014, US.

The domain name at issue is <lightofmotiram.com>, registered by Respondent with Dynadot, LLC, of P.O. Box 345, San Mateo, CA, 94401, United States.

2. Procedural History

On 20 March 2024, the Complainant submitted to the Hong Kong Office (“HK Office”) of the ADNDRC (“ADNDRC”) pursuant to the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”) and the Rules for the Uniform Domain Name Dispute Resolution Policy (the “Rules”). On 21 March 2024, the HK Office sent to the Complainant by email an acknowledgment of the receipt of the Complaint, the format of which was reviewed for compliance with the Policy, the Rules and the HK Office Supplemental Rules. On 21 March 2024, the HK Office also notified the Registrar of the Complaint by email.

On 21 March 2024, the Registrar replied to the HK Office informing the identity of the domain name Registrant. On 28 March 2024, the Complainant submitted an amended Complaint to the HK Office, and informed the HK Office that the disputed domain name had recently been renewed. On or around 28 March 2024, the HK Office informed the Complainant that the information of the Respondent in the Complaint was different from the WHOIS information provided by the Registrar, and that when the disputed domain name expired, it had automatically been renewed by the Registrar, and that would be deleted by the registry if not renewed within a certain period. On 3 April 2024, the Complainant instructed the Registrar to renew the disputed domain name. On 8 April, the Registrar informed the Complainant that the disputed domain name had been renewed. On

8 April 2024, the HK Office forwarded the amended Complaint to the Respondent. The due date of the Response was 28 April 2024.

On 29 April 2024, the HK Office informed the Respondent of its default. On 29 April 2024, the HK Office appointed Jonathan Agmon as the sole panelist in this matter. The Panelist accepted the appointment and submitted a statement to the ADNDRC that he is able to act independently and impartially between the parties.

The Registrar confirmed that the Registration Agreement of the disputed domain name is in English.

On 9 May 2024, the Panel issued Administrative Panel Procedure Order No.1, requesting that the Complainant provide further evidence supporting its contention that their LIGHT OF MOTIRAM trademark was used in China prior to the registration date of the disputed domain name.

On 15 May 2024, the Complainant submitted the Complainant's Supplemental Complaint Submissions to the Panel.

3. Factual background

The Complainant, Tencent Holdings Limited, is a leading provider of Internet value added services in China. Since its establishment in 1998, the Complainant has maintained steady growth under its user-oriented operating strategies. On June 16, 2004, The Complainant went public and was listed on the Hong Kong Stock Exchange. The Complainant provides Internet platforms, comprising social platforms and digital content services in China, including QQ (QQ Instant Messenger), Weixin/WeChat, QQ.com, QQ Games, Qzone, and Tenpay. In 2017, there were 783 million monthly active QQ user accounts, and its peak concurrent user accounts reached 271 million. The combined monthly active accounts of Weixin and WeChat was 989 million. In 2007, the Complainant invested more than RMB100 million in setting up the Tencent Research Institute, with campuses in Beijing, Shanghai, and Shenzhen. In 2006, the Complainant inaugurated the Tencent Charity Fund, the first charity foundation set up by a Chinese Internet enterprise.

The Complainant, along with its affiliate, 腾讯科技（深圳）有限公司 is the owner of various trademark registrations, including the following:-

- 1) European Union trademark registration no. 018851429 for LIGHT OF MOTIRAM, registered on 13 September 2023;
- 2) Australian trademark registration no. 2389417 for LIGHT OF MOTIRAM, registered on 18 September 2023;
- 3) Hong Kong trademark registration no. 306353037 for LIGHT OF MOTIRAM, registered on 19 September 2023;
- 4) Japan trademark registration no. 6768697 for LIGHT OF MOTIRAM, registered on 18 January 2024;

- 5) China trademark registration no. 70388508 for LIGHT OF MOTIRAM, registered on 7 February 2024;
- 6) China trademark registration no. 70386971 for LIGHT OF MOTIRAM, registered on 7 February 2024;
- 7) China trademark registration no. 70361777 for LIGHT OF MOTIRAM, registered on 7 February 2024;

The Complainant maintains a large internet presence through the website at its primary domain name <tencent.com>. According to SimilarWeb.com, Complainant's <tencent.com> website received over 110 million visitors in the 3 month period between May and July 2022 and is ranked the 1,836th most popular website globally and the 108th most popular website in China.

The disputed domain name was registered on 21 March 2023

The Respondent did not submit a response to the Complaint.

4. Parties' Contentions

A. Complainant

The Complainant's contentions may be summarized as follows:

- i. The disputed domain name is identical or confusingly similar the LIGHT OF MOTIRAM trademark in which the Complainant has rights.
- ii. The Respondent has no rights or legitimate interest in the disputed domain name. The Respondent is not sponsored or affiliated with the Complainant in any way. The Respondent is not commonly known by the disputed domain name. The disputed domain name is being offered for sale for a price that far exceeds the Respondent's out-of-pocket registration costs, which is evidence of the Respondent's lack of rights and legitimate interest. The Respondent is also using a privacy service, which is evidence of a lack of legitimate interest. The Respondent also registered the disputed domain name on March 21, 2023, which is the exact same day that the Complainant filed its EU and Australian trademarks. The Complainant also filed its China trademark applications at the same time, but the dates reflected are March 22, 2023 due to the timezone difference.
- iii. The disputed domain name was registered and is being used in bad faith. The Complainant is known internationally and has numerous trademark registrations worldwide. The Respondent choice of domain name is identical or confusingly similar to the Complainant's LIGHT OF MOTIRAM trademark, which is evidence that he knows of, and is familiar with the Complainant's brand and business. the coincidental timing of the registration of the disputed domain name and the registration of the Complainant's LIGHT OF MOTIRAM trademark strongly suggests that the Respondent knew of the Complainant and only registered the disputed domain name in response to the publicity generated by the Complainant. The Respondent has also been engaged in a pattern of bad faith cybersquatting, which is evidence of bad faith. It is therefore inconceivable that the Respondent

was unaware of the Complainant's brand at the time of registering the disputed domain name. Further, the disputed domain name resolves to a website where it is being offered for sale for valuable consideration in excess of his out-of-pocket costs is a clear indication of bad faith. The use of a privacy service to hide the Respondent's identity is also an indication of bad faith. It is therefore more likely than not that the Respondent knew of, and targeting the Complainant's trademark.

- iv. The Complainant claims that it has priority over the LIGHT OF MOTIRAM trademark. The registration of the disputed domain name is on the same day as the application for the LIGHT OF MOTIRAM trademark at 15:24:32Z.
- v. The Complainant submits that it is a well-known practice amongst cybersquatters to register domain names as soon as the corresponding trademarks have been filed with the corresponding trademark office. The Respondent is clearly aware of the Complainant and the disputed domain name was registered to take advantage of any rights that may arise from the Complainant's trademark applications.

B. Respondent

The Respondent did not file a Response to the Complaint.

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 has shown it has the rights to the LIGHT OF MOTIRAM trademark through numerous registrations. The numerous registrations of of the Complainant originate with its European Trademark application filed on 21 March 2023. This date of application is also the date of registration of the disputed domain name. This coincidence is not likely to have occurred by chance.

The Panel notes that the disputed domain name was registered on 21 March 2023 at 15:24:32Z. This translates to 1524h (UTC) where the application for registration of Complainant's mark was already filed earlier that day, and 0824h (UTC-7) in Phoenix AZ, where the Respondent is located. The Complainant argued, and the Respondent did not respond to the allegation, that the Respondent would have likely been monitoring the Complainant's trademark filings and had registered the disputed domain name very soon after the Complainant applied for its LIGHT OF MOTIRAM trademark. The distinctive nature of the disputed domain name and the fact that the Respondent did not respond and provided an explanation to the extraordinary timing of the registration of the disputed domain name lead the Panel to find that indeed, the Respondent was monitoring filings and

as soon as he found out about the filing of Complainant's trademark, he acted to immediately register the disputed domain name. If anything, given the Respondent's extensive history of cybersquatting cases, this was done in order to try and prevent the Complainant from exercising its rights in its distinctive LIGHT OF MOTIRAM trademark.

The Panel therefore finds that it is highly likely that the Complainant had applied for the LIGHT OF MOTIRAM trademark before the Respondent registered the disputed domain name.

The disputed domain name <lightofmotiram.com> comprises the Complainant's LIGHT OF MOTIRAM trademark in its entirety with no alterations.

The addition of the generic Top-Level Domain ("gTLD") ".com" does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's LIGHT OF MOTIRAM trademark. See Section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"). The gTLD is irrelevant to the consideration of the issue of identity or confusing similarity as it is a standard registration requirement.

The Panel therefore finds that the disputed domain name is identical to the Complainant's LIGHT OF MOTIRAM mark.

The Complainant has satisfied the requirement of paragraph 4(a)(i) of the Policy.

B) Rights and Legitimate Interests

Once a complainant establishes a *prima facie* case that the respondent lacks rights or legitimate interests in the disputed domain name, the burden of production shifts to the respondent to show that it has rights or legitimate interests in relation to the disputed domain name (see WIPO Overview 3.0, section 2.1).

In the present case, the Complainant has demonstrated a *prima facie* case that the Respondent lacks rights or legitimate interests in respect of the disputed domain name whereas the Respondent has failed to assert that any such rights or legitimate interests exist.

There is no evidence that the Respondent is affiliated with the Complainant or that the latter has licensed or otherwise permitted the Respondent to use the Complainant's LIGHT OF MOTIRAM trademark. There is also no evidence showing that the Respondent is commonly known by the disputed domain name. The Respondent has not provided any evidence that it has obtained any trademark rights in LIGHT OF MOTIRAM or is commonly known by the disputed domain name. The disputed domain name is also being listed for sale on a Dan.com webpage for USD\$4995, a price that likely far exceeds the Respondent's out-of-pocket registration costs. Given the particular circumstances of this case, this cannot be considered to be a legitimate use of the disputed domain name.

The Panel therefore concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name and accordingly, paragraph 4(a)(ii) of the Policy is satisfied.

C) Bad Faith

The Panel is persuaded in the circumstances of this case that the disputed domain name was registered and is being used in bad faith. There are several indicators of bad faith by the Respondent as shown by the evidence submitted by the Complainant:

1. The Respondent registered the disputed domain name very short time after the Complainant applied for its LIGHT OF MOTIRAM trademark. The timing of the registration of the disputed domain name as described in detail above cannot be purely coincidental. It is more likely than not that the Respondent was monitoring the Complainant's trademark applications, and the disputed domain name was registered in response to the application of the LIGHT OF MOTIRAM trademark. This indicates that the Respondent was targeting the Complainant and its trademark, was well aware of the Complainant and its trademark, and sought to capitalize on it by registering the disputed domain name.
2. The Complainant provided evidence that, at the time of filing the Complaint, the disputed domain name resolved to a Dan.com webpage where it was listed for sale for USD\$4995.
3. The Respondent has no known affiliation with the name comprised in the disputed domain name and did not explain its choice of the disputed domain name, nor the extraordinary timing of the registration of the disputed domain name.
4. The Respondent has engaged in a pattern of trademark-abusive domain name registrations, which is indicative of the Respondent's bad faith.

Having considered the totality of the evidence presented including the distinctive character of the Complainant's trademark, the Panel finds that the Respondent was well aware of the Complainant and its business and targeted the Complainant and its LIGHT OF MOTIRAM when it registered the disputed domain name. The Panel concludes that the Respondent incorporated the Complainant's LIGHT OF MOTIRAM mark in the disputed domain name with the intention of selling the disputed domain name for commercial gain "for valuable consideration in excess of [its] documented out-of-pocket costs directly related to the domain name", and that it "registered the domain name in order to prevent the owner of the trademark ... from reflecting the mark in a corresponding domain name" and there has been a pattern of such conduct. (Paragraphs 4(b)(i) and (ii) of the Policy).

The Respondent did not submit a Response, from which the Panel draws a negative inference. In the absence of any Response or evidence to the contrary, and in view of the evidence provided by the Complainant, including the distinctiveness of the Complainant's trademark, the pattern of abusive domain name registrations, the timing of the the disputed domain name registration, and the offering of the disputed domain name for sale for a price far exceeding the Respondent's likely out of pocket registration costs, the Panel concludes that the disputed domain name was registered and is being used in bad faith.

Paragraph 4(a)(iii) of the Policy is therefore satisfied.

6. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <lightofmotiram.com> be transferred to the Complainant.

Jonathan Agmon

Jonathan Agmon
Sole Panelist

Dated: 17 May 2024