



(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2401900
Complainant:	比特大陆科技有限公司 (Bitmain Technologies Limited.)
Respondent:	Bruce Heathcote
Disputed Domain Name(s):	<bitmainperorders.com>

1. The Parties and Contested Domain Name

The Complainant is Bitmain Technologies Limited, of 11th Floor, Wheelock Building, 20 Pedder Street, Central, Hong Kong.

The Respondent is Bruce Heathcote, of 8660 Miramar Rd, California CA 85014, US.

The domain name at issue is <bitmainperorders.com>, registered by Respondent with NameSilo, Inc., of 390 NE 191st St STE 8437, Miami, FL 33179, USA.

2. Procedural History

On July 26, 2024, the Complainant submitted a Complaint in Chinese language 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 July 26, 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 July 26, 2024, the HK Office also notified the Registrar of the Complaint by email.

On July 26, 2024, the Registrar replied to the HK Office informing the identity of the domain name Registrant. On August 2, 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. On August 2, 2024, the Complainant submitted an amended Complaint to the HK Office. On August 2, 2024, the HK Office forwarded the amended Complaint to the Respondent. The due date of the Response was August 22, 2024.

On August 2, 2024, the HK Office notified the Respondent that the Complainant had submitted the Complaint in Chinese and had requested a change of the language of the

proceeding to Chinese even though the language of the Registration Agreement is English. The Respondent was invited to respond to the HK Office on this issue by August 7, 2024.

On August 26, 2024, the HK Office informed the Respondent of its default. On August 26, 2024, the HK Office appointed Francine Tan as the sole panelist in this matter. The Panelist accepted the appointment and submitted a statement to the ADNDRC that she 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.

3. Factual background

The Complainant states that it and its affiliated companies are one of the world's leading technology companies. Its products include computer chips, computer servers, and cloud computing. Its products have applications in the fields of blockchain and artificial intelligence. Established in 2014, the Complainant and its affiliates have a presence in China, Singapore, and the United States ("U.S."), amongst other locations.

The Complainant is the registered owner of the "BITMAIN" trade mark in various jurisdictions, including the following:

- Singapore trademark registration Nos. 40201504948W, 40201504951W and 40201504949X, registered on March 24, 2015;
- European Union ("EU") trademark registration No. 013913521, registered on August 31, 2015;
- U.S. trademark registration Nos. 4884613 and 4980879, registered on January 12, 2016 and June 21, 2016;
- China trademark registration Nos. 16620637, 16620401 and 16660721, registered on May 21, 2016;
- Swiss trademark registration No. 718190, registered on June 29, 2018;
- Japanese trademark registration No. 6115174, registered on January 18, 2019.

The Complainant also owns registrations for the  trade mark in various jurisdictions including Singapore, the EU, China, U.S. and Switzerland.

The Complainant states that its BITMAIN and ANTMINER marks have a very strong reputation, and its products are industry-leading, with a significant global market share. The Complainant has been included in the 2019 Hurun Global Unicorn List and identified as one of the top private enterprises in China in chip design,

The disputed domain name was registered on March 2, 2023, and resolves to a website offering goods for sale that compete with the Complainant's own offerings.

4. Parties' Contentions

A. Complainant

The Complainant's contentions may be summarized as follows:

- i. The disputed domain name is identical and/or confusingly similar to the registered BITMAIN trade mark in which it has rights. The disputed domain name contains the Complainant's BITMAIN trade mark in its entirety with the addition of the suffix "perorders". The suffix "per orders" is insufficient to distinguish the disputed domain name from the Complainant's BITMAIN trade mark.
- ii. The Respondent does not have rights or legitimate interests in the disputed domain name. The disputed domain name was registered on a date much later than when the Complainant registered its <bitmain.cn> domain name. The <bitmain.cn> was registered in 2013. The Respondent is not affiliated in any way with the Complainant. The Respondent has never been authorized by the Complainant to use the BITMAIN trade mark or to register a domain name incorporating its BITMAIN trade mark.
- iii. The disputed domain name has been registered and is being used in bad faith. The Complainant's BITMAIN mark is a very famous mark and at the time of registration of the disputed domain name, a basic search for the Complainant's BITMAIN trade mark would have revealed its existence. The Respondent therefore had actual or constructive knowledge of the Complainant's BITMAIN trade mark at the time of registration of the disputed domain name. The Complainant's BITMAIN mark is also a distinctive mark and also the name of the Complainant. The fame of the Complainant's BITMAIN mark means that at the time of registration of the disputed domain name, the Respondent must have already been aware of the Complainant's BITMAIN trade mark. The Respondent's website to which the disputed domain name resolves displays the Complainant's BITMAIN and ANTMINER trade marks and impersonates the Complainant and its website. It gives the false impression to the relevant public that there is a connection between the Respondent's website and the Complainant. It also displays the Complainant's address, and those of its affiliates. The privacy policy and conditions of use of the website are also duplicates of the Complainant's own. The Respondent is also purporting to sell goods which are similar to the Complainant's own offerings. The Respondent is therefore impersonating the Complainant in order to divert internet traffic away from the Complainant's own website.

B. Respondent

The Respondent did not file a Response to the Complaint.

5. Findings

Preliminary Issue – Language of the Proceedings

According to paragraph 11(a) of the Rules, unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.

In this case, the language of the Registration Agreement for the disputed domain name is English. The Complainant filed its Complaint in Chinese and requested that Chinese be the language for the proceeding, considering the efficiency of the proceedings. The Respondent did not respond to HK Office on the issue of the Complainant's request for a change of the language of the proceeding.

In accordance with paragraph 11(a) of the Rules, the Panel hereby determines that the language of the proceeding shall be in English, after considering the following circumstances:

- the language of the Registration Agreement is in English;
- the Complainant is a very well-established company with locations in many English-speaking countries including the U.S., Singapore, Malaysia, and the United Arab Emirates;
- the content of the website of the Complainant's affiliated companies at <bitmain.com> is in English; and
- the Respondent appears to be American.

The Panel accepts the Complaint filed in Chinese but will render its decision in English. The Panel believes that this would be the expedient way to proceed, with no prejudice to either party.

Substantive issues

The 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 trade mark 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 BITMAIN trade mark through registration. The disputed domain name comprises the Complainant's BITMAIN mark in its entirety with the addition of the term "perorders" and the generic Top-Level Domain ("gTLD") ".com". The addition of the term "perorders" does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's BITMAIN trade mark. The BITMAIN trade mark is the first word in the disputed domain name and recognizable. (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 confusingly similar to the Complainant's BITMAIN 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.

There is no evidence that the Respondent is affiliated to the Complainant or that the latter has licensed or otherwise permitted the Respondent to use the Complainant's BITMAIN trade mark. 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 BITMAIN or is commonly known by 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 finds on the evidence that the disputed domain name was registered and is being used in bad faith and this is a clear cybersquatting case, intended by the Respondent to mislead Internet users into thinking that the website to which the disputed domain name resolves is that of the Complainant, or connected to or endorsed by the Complainant. The Respondent registered the disputed domain name long after the BITMAIN trade mark was used and registered as a trade mark. The BITMAIN mark is well established and the fact that the Respondent reproduced the BITMAIN and ANTMINER marks on its website and has sought to impersonate the Complainant shows very clearly that the Respondent was

well aware of the Complainant and its trade mark, and sought to capitalize on it by registering the disputed domain name.

The circumstances of this case fall squarely within paragraph 4(b)(iv) of the Policy which reads:

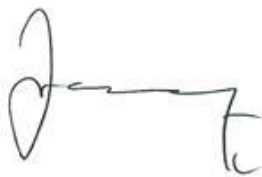
“(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or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

In the absence of any Response or rebuttal evidence from the Respondent, the Panel therefore 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 <bitmainperorders.com> be transferred to the Complainant.



Francine Tan
Panelist

Dated: September 9, 2024