



(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-1801061
Complainant:	Cisco Technology, Inc.
Respondent:	Bruce Lee
Disputed Domain Name(s):	ciscoprice.com

1. The Parties and Contested Domain Name

The Complainant is Cisco Technology, Inc. of 170 West Tasman Drive, San Jose, California, 95134, USA.

The Respondent is Bruce Lee, of Sino Centre 582 - 592 Nathan Road, Mongkok, Hong Kong.

The domain name at issue is ciscoprice.com, registered by Respondent with goDaddy.com LLC, Scottsdale, Arizona, 82560, USA.

2. Procedural History

The Complaint was filed with the Asian Domain Name Dispute Resolution Centre – Hong Kong office (the “Centre”) on 15 January 2018. On 15 January 2018, the Centre transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On 16 January 2018, the Registrar transmitted by email to the Centre its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Centre verified that the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, the Centre formally notified the Respondent of the Complaint in English and Chinese, and the proceedings commenced on 23 January 2018. In accordance with the Rules, the due date for Response was 12 February 2018. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on 13 February 2018.

The Centre appointed Sir Ian Barker as the sole panelist in this matter on 14 February 2018. The Panel finds that it was properly constituted. The Panel has submitted a Statement of Acceptance and Declaration of Impartiality and Independence to ensure compliance with the Rules.

3. Factual background

The Complainant is the intellectual property-holding subsidiary of Cisco Systems Inc (“Cisco”). The Complainant is the owner and licensor of numerous trademarks and domain names worldwide for the trademarked word “CISCO”.

Cisco, founded in 1984, is a worldwide provider of information and communication products and services including telecommunications equipment, networking and computer hardware and software. It offers support, design, education, training and technology services.

Cisco has 350 offices worldwide and 73,000 employees in some 165 countries. It has operated through a subsidiary in Hong Kong since 1993. It has registered and maintains over 1400 domain names which are CISCO inclusive. Its domain name <cisco.com> was registered in May 1987.

The disputed domain name was registered on 25 March 2011.

The Complainant owns numerous trademarks in many different countries for the word CISCO including the following registrations:

China	6936305 registered 7 August 2010
China	6553155 registered 28 April 2010
Hong Kong	199714242 registered 6 October 2003
Hong Kong	300007154 registered 6 October 2003
Taiwan	92069096 registered 16 February 2005
United States	77752660 registered 4 October 2011

The Complainant gave the Respondent no authorization to reflect its trademark in the disputed domain name.

The disputed domain name automatically redirects users to the domain name <itprice.com> which resolves to a website which has a search box which purports to sell CISCO products at a price which is said to be discounted from the “list price” on the redirected website.

A reverse WHOIS search using an email said to be the Respondent’s, showed 133 domain names associated with the Respondent’s email address. The majority incorporated trademarks owned by the Complainant and by other well-known technology companies.

4. Parties’ Contentions

A. Complainant

The Complainant’s contentions may be summarized as follows:

The disputed domain name is confusingly similar to the Complainant's trademark CISCO. This addition of the generic term "price" does not diminish the confusing similarity but rather enhances it.

The Complainant has not authorized the use of its trademark in the disputed domain name. None of the situations under Paragraph 4(c) of the Policy applies to the Respondent.

The Respondent registered and is using the disputed domain name in bad faith. The fame of CISCO and the trademark were well-known before the disputed domain name was registered in 2011 – especially in Hong Kong where the Respondent lives.

The Respondent is diverting internet users for commercial gain by redirecting visitors to the disputed domain name to a site which purports to advertise and sell the Complainant's products and which uses the Complainant's trademark. The disputed domain name causes confusion to internet users.

The Respondent has a history of registering domain names that are confusingly similar to established trademarks.

B. Respondent

The Respondent made no submissions.

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 disputed domain name is confusingly similar to the Complainant's trademarks. The addition of the generic word "price" exacerbates the confusion. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions (3rd edition), paragraph 1.8. Paragraph 4(a)(i) of the Policy is satisfied.

B) Rights and Legitimate Interests

The Complainant gave the Respondent no authority of any sort to reflect its trademarks in a domain name.

Paragraph 4(c) of the Policy could have applied to the registration of the disputed domain name, had one of its three provisions been demonstrated in this case. However,

the Respondent has chosen not to invoke paragraph 4(c), and the Complainant has met its burden. The Complainant's claim that it gave the Respondent no authority is not challenged by the Respondent.

The Panel finds that the Complainant has established a prima facie case and the Respondent has failed to produce any evidence to establish rights or legitimate interests in the disputed domain name. Therefore, paragraph 4(a)(ii) of the Policy is satisfied.

C) Bad Faith

The inference that the disputed domain name was registered in bad faith is clearly available. The Complainant's reputation, particularly in Hong Kong, was well-established in 2011 when the disputed domain name was registered. The CISCO brand was well-known worldwide then and now.

The disputed domain is being used in bad faith as can be seen from the website accessed by the disputed domain name which purports without authorization from the Complainant, to sell CISCO products. Internet users are obviously confused into thinking that the site is authorized by the Complainant. Confusion is generated by this unauthorized use of the Complainant's trademark.

Bad faith is further shown by the Respondent's history of reflecting well-known trademarked names in unauthorized domain names.

6. Decision

The Complaint is established. The disputed domain name must be transferred to the Complainant.



Hon Sir Ian Barker QC
Sole Panelist
Dated: 26 February 2018