



**(Hong Kong Office)**

**ADMINISTRATIVE PANEL DECISION**

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<b>Case No.</b>	HK-18010115
<b>Complainant:</b>	Beijing Sohu Internet Information Service Co., Ltd.; Beijing Sohu New Era Information Technology Co., Ltd.; SOHU.COM.INC./SOHU.COM LIMITED
<b>Respondent:</b>	aviva mar
<b>Disputed Domain Name(s):</b>	<sohu.world>

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**1. The Parties and Contested Domain Name**

The Complainant 1 is Beijing Sohu Internet Information Service Co., Ltd., of Room 1101, Floor 11, Building 3, No.2 Kexueyuan South Road, Haidian District, Beijing, P.R. China.

The Complainant 2 is Beijing Sohu New Era Information Technology Co., Ltd., of Floor15, SOHU.com Internet Plaza, Building 9, No. 1, Zhongguancun East Road, Haidian District, Beijing, P.R. China.

The Complainant 3 is SOHU.COM INC./SOHU.COM LIMITED, of 1013 Center Road Wilmington, Delaware 19805 in the County of New Castle U.S.A.

The Respondent is aviva mar, of tianhequ, dongpu, Guangzhou, Guangdong 510000.

The domain name at issue is <sohu.world>, registered by Respondent with NameSilo, LLC, of 1300E. Missouri Avenue, Suite A-110, Phoenix, AZ 85014.

**2. Procedural History**

The complaint was filed with the Hong Kong Office of Asian Domain Name Dispute Resolution Centre (ADNDRC) on May 22, 2018 and elected to have the dispute decided by a single-member Panel pursuant to the Uniform Domain Name Dispute Resolution Policy, approved by the Internet Corporation for Assigned Names and Numbers (ICANN) on 24 October 1999 (the Policy), the Rules for Uniform Domain Name Dispute Resolution Policy, approved by ICANN Board of Direction on 28 September 2013 (the Rules), and the ADNDRC Supplement Rules for Uniform Domain Name Dispute Resolution Policy effective from 31 July 2015 (the Supplement Rules).

On 23 May, 2018 the ADNDRC transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On 23 May, 2018 the

Registrar transmitted by email to the ADNDRC its verification response disclosing registrant and contact information for the disputed domain name which was identical with the named Respondent and contact information in the Complaint.

On 25 June, 2018 the ADNDRC formally notified the Respondent of the Complaint, and the proceedings commenced on 25 June, 2018. In accordance with the Rules, paragraph 5, the due date for Respondent was 4 July, 2018. The Respondent did not submit any response. Accordingly, the ADNDRC notified the Respondent's default on 18 July 2018.

The ADNDRC appointed Jacob (Changjie) Chen as the sole panelist in this matter on 19 July, 2018. The Panel finds that it was properly constituted. The panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the ADNDRC to ensure compliance with the Rules, paragraph 7.

### 3. Factual background

The three Complainants are affiliated companies, which are all owned by Sohu group (hereinafter collectively referred to as "the Complainant"). The Complainant was founded in 1996 and listed on NASDAQ since 2000, and has been using "SOHU", "sohu.com", "Sohu.com&搜狐"(SOHU in Chinese)(hereinafter collectively referred to as "SOHU") its trademarks from then on. Complainant 3 is the owner of No. 1451987 trademark

 (registered in 2000), and No.2356839 trademark "SOHU"(registered in 2000), while Complainant 1 is the owner of No. 4683262 trademark "sohu.com"(registered in 2009).

The Complainant is extensively known in Chinese for offering new media, electronic business, online financial services, communication and mobile value-added services. The SOHU brand has obtained a high reputation in Chinese language world, through the Complainant's long-term promotion and use.

The Respondent, aviva mar registered the disputed domain name on February 25, 2018. This disputed domain name resolved to the ICO business website, and "SOHU" is being used on the homepage of the website.

### 4. Parties' Contentions

#### A. Complainant

The Complainant's contentions may be summarized as follows:

- i. The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's registered SOHU marks.
- ii. The Complainant further contends that the Respondent has no right or legitimate interests in respect of the domain name.
- iii. The Complainant finally contends that the disputed domain name was registered and is being used in bad faith. The Complainant asserts that the Respondent registered the disputed domain name with the knowledge of SOHU trade mark,

which would constitute bad faith in the registration. Further, the Respondent has been illegitimately using the disputed domain name for personal gain.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

**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 is the owner of several "SOHU", "SOHU.COM" and "搜狐" trademarks, which were registered in mainland China, Taiwan and the United States. Among them, "搜狐" and "SOHU" were registered in China in 2000, in Taiwan in 2001, and in the U.S. in 2000. "SOHU.COM" was registered in China in 2009, in the U.S. in 2000, long predating that of the registration date of the disputed domain name. The Complainant has successfully established its rights over the trade mark.

The disputed domain name <sohu.world> incorporates the Complainant's trade mark SOHU in its entirety. UDRP jurisprudence has established that incorporation of a complainant's distinctive trade mark in its entirety into a domain name is sufficient to establish that the domain name is identical or confusingly similar to the complainant's trademark. *See Ally Financial, Ally Detroit Center Inc. v. Rick Wedel*, WIPO Case No. D2018-0332.

As such, the Panel holds that the disputed domain name is identical to the Complainant's trademark.

**B) Rights and Legitimate Interests**

The Panel is satisfied that the Complainant has made out a prima facie case that the Respondent does not have rights or legitimate interests in the disputed domain name. The burden of production is hence shifted to the Respondent to rebut the Complainant's contentions. In this case, the Respondent's failure to submit a response to rebut the Complainant's prima facie case is deemed to have satisfied paragraph 4(a)(ii) of the Policy according to the ADNDRC Overview of ADNDRC Panel Views on Selected UDRP Questions, Second Edition paragraph 2.1.

The Panel also notes that, upon receiving the notice of the present proceedings, the Respondent did not submit any substantial arguments in response to the Complainant's contentions, but rather shut down the website under the disputed domain name. This

suggests that the Respondent has no rights or legitimate interests in the disputed domain name. *See Construction Skills Certification Scheme Limited v. Mara Figueira*, WIPO Case No. D2010-0947.

Therefore, the Panel concludes that the Respondent has no rights or legitimate interests in the disputed domain name.

### **C) Bad Faith**

The Panel notes that the disputed domain name was registered on February 25, 2018, far later than the registration date of the Complainant's trade mark. Further, the disputed domain name resolved to a website offering the ICO business with the presence of the Complainant's trade mark SOHU on its homepage. Given the reputation of the Complainant, the Panel holds that the Respondent must have been aware of the Complainant's trade mark and /or services at the time of registering the disputed domain name. Without any rights or legitimate interests, the Respondent's registration of the disputed domain name is indicative of bad faith.

The Panel further observes that the disputed domain name entirely contains the Complainant's trade mark, which creates a likelihood of confusion between the disputed domain name and the Complainant's offering of goods or services. By registering the disputed domain name, the Respondent has intentionally attempted to trade on the goodwill associated with the Complainant's mark, to attract traffic to the website under the disputed domain name, and profit therefrom. Hence, the bad faith evident in the use of the disputed domain name can be established under paragraph 4(b)(iv) of the Policy.

For the reasons above, the Panel concludes that the Respondent has registered and is using the disputed domain name in bad faith.

## **6. Decision**

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

Jacob (Changjie) Chen

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Sole Panelists

Dated: August 13, 2018