



Asian Domain Name Dispute Resolution Centre

hong kong

(Hong Kong Office)

**ADMINISTRATIVE PANEL DECISION**

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**Case No.** HK-1400600  
**Complainant:** Norton Rose Fullbright Hong Kong  
**Respondent:** Roseline  
**Disputed Domain Name(s):** <[nortonroselawfirm.com](http://nortonroselawfirm.com)>

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

The Complainant is Norton Rose Fullbright Hong Kong, of 38<sup>th</sup> Floor, Jardine House, 1 Connaught Place, Central, Hong Kong.

The Respondent is Roseline, of 2120 N Woodlawn ST STE 308, Wichita, Kansas, United States of America 876588.

The domain name at issue is <[nortonroselawfirm.com](http://nortonroselawfirm.com)> ("**Disputed Domain Name**"). The Registrar of the Disputed Domain Name is PublicDomainRegistry.com ("**PDR**") with a contact email accessible at [abuse@publicdomainregistry.com](mailto:abuse@publicdomainregistry.com).

**2. Procedural History**

On 15 April 2014, pursuant to the ICANN Uniform Domain Name Policy ("**the Policy**"), the Rules of Uniform Domain Name Dispute Resolution Policy ("**the Rules**") and the

ADNDRC-HK Supplementary Rules for Domain Name Dispute Resolution Policy (“*the Supplemental Rules*”), the Complainant submitted a complaint in the English language to the Hong Kong Office of the Asian Domain Name Dispute Resolution Centre (“*ADNDRC-HK*”) and elected to have the case in question be dealt with by a single member panel.

On 15 April 2014, the *ADNDRC-HK* notified PublicDomainRegistry.com (“*the Registrar*”) of the *Disputed Domain Name* proceedings by email. By which, the ADNDRC-HK requested the Registrar to provide the following information, namely:-

1. *Whether the captioned Complaint Form has been received by PDR Ltd. d/b/a PublicDomainRegistry.com from the Complainant;*
2. *Whether the above domain name(s) is/are registered with PDR Ltd. d/b/a PublicDomainRegistry.com;*
3. *Whether the Respondent “Privacy Protection Service INC” is the Registrant or holder of the disputed domain name(s);*
4. *Whether the ICANN Uniform Domain Name Dispute Resolution Policy is applicable to the current dispute;*
5. *The language of the Registration Agreement of the disputed domain name(s). In accordance with the UDRP, the language of the proceedings shall be the language of the Registration Agreement, unless otherwise agreed by the parties or decided by the Panelist;*
6. *Please provide us with the Whois information regarding the disputed domain name(s);*
7. *the Status of the domain name.”*

In the meantime, the **ADNDRC-HK** reminded the **Registrar** to take appropriate action towards the **Disputed Domain Name**, namely <[nortonroselawfirm.com](http://nortonroselawfirm.com)> in accordance with the rules stipulated by the **Policy**, such as prohibiting the **Disputed Domain Name** from being transferred to a third party.

On 15 April 2014, the ADNDRC-HK notified the Complainant by email that they received the Complaint concerning the **Disputed Domain Name**, namely <[nortonroselawfirm.com](http://nortonroselawfirm.com)>. The **ADNDRC-HK** requested the Complainant to submit the case filing fee on or before 25 April 2014, in accordance with Paragraph 19(c) of the **Rules** and Article 15 of the **Supplemental Rules**. The ADNDRC-HK also stated that:-

*“We have notified the concerned Registrar of the disputed domain name. Upon receipt of the Registrar’s confirmation on the WHOIS information, we shall proceed to review your Complaint. Once your complaint is in administrative compliance with the UDRP, we shall forward your complaint to the Respondent and formally commence the proceedings within three (3) days thereafter.”*

On 16 April 2014, the **Registrar** sent an email to **ADNDRC-HK** notifying the **ADNDRC-HK** that:-

*“Kindly find our compliance to your requirements as below:-*

- 1. Yes, the captioned Complaint Form has been received by Inc.d/b/a publicdomainregistry.com.*
- 2. Yes, the above domain name registration is sponsored by Inc.d/b/a publicdomainregistry.com.*
- 3. The respondent is not the current registrant of the domain name. The registrant has enabled privacy protect service to the domain names. Please*

*note, Privacy protection is only a service that the Respondent has enabled for domain name. For your reference below are the correct Respondent (Registrant) details. Currently, we have disabled this service. The correct Respondent (Registrant) details will be visible in the whois for this domain name in next 24 hours.*

*Registrant Details*

*Roseline*

*[nortonrosela@hotmail.com](mailto:nortonrosela@hotmail.com)*

*N/A*

*2120 N Woodlawn ST STE 308, Wichita, Kansas, United States 876588*

*+1.31678909065*

- 4. PublicDomainRegistry.com confirms that UDRP extends to all domain name registrations, registered through PublicDomainRegistry.com including “.org” domains. Under the policy, most types of trademark-based domain name disputes must be resolved by agreement, court action, or arbitration before a registrar will cancel, suspend, or transfer a domain name.*
- 5. The English language was used to inform the Registrant of both the Domain Registration Agreement as well as the Customer Master Agreement during the domain name Registration and Customer Signup process.*
- 6. The Whois information of the disputed domain names as per <http://whois.publicdomainregistry.com> are -*

*Domain Name: nortonroselawfirm.com*

*Registrant Details*

*roseline*

*[nortonrosela@hotmail.com](mailto:nortonrosela@hotmail.com)*

*N/A*

*2120 N Woodlawn ST STE 308*

*Wichita*

*Kansas*

United States 876588  
+1.31678909065

*Admin Details*

roseline  
nortonrosela@hotmail.com  
N/A  
2120 N Woodlawn ST STE 308  
Wichita  
Kansas  
United States 876588  
+1.31678909065

*Technical Details*

roseline  
nortonrosela@hotmail.com  
N/A  
2120 N Woodlawn ST STE 308  
Wichita  
Kansas  
United States 876588  
+1.31678909065

*Billing Details*

roseline  
nortonrosela@hotmail.com  
N/A  
2120 N Woodlawn ST STE 308  
Wichita  
Kansas  
United States 876588  
+1.31678909065

7. *Domain Name: nortonroselawfirm.com, Status: ACTIVE and the Expiry date for the domain is Jun 21, 2014.”*

From this, the **Registrar** confirmed with the **ADNDRC-HK** that the **Disputed Domain Name** is no longer owned by “Privacy Protection Service INC” which is merely a service to enable the **Disputed Domain Name** for the Respondent, being the current Registrant of the **Disputed Domain Name**. As a result, the ICANN Uniform Domain Name **Policy** is applicable to the **Disputed Domain Name**. The language used to inform the Registrant of both the Domain Registration Agreement and the Customer Master Agreement during the domain name registration and customer signup process is in the English language as

provided by the *Registrar*. The *Registrar* further states that the status of the Disputed Domain Name is “ACTIVE” and it is due to expire on 21 June 2014. Yet, the Registrar has converted the status of the *Disputed Domain Name* from “Active” to “LOCKED” and has also moved the same to the pending UDRP Case Account, which means that the *Disputed Domain Name* could not be transferred, modified and/or deleted until a determination has been made on the matter.

On 16 April 2014, the Complainant notified ADNDRC-HK that they had submitted the case filing fee in compliance with Paragraph 19(c) of the *Rules* and Article 15 of the *Supplemental Rules*.

On 22 April 2014, the ADNDRC-HK acknowledged that it had received the case filing fee from the Complainant concerning the *Disputed Domain Name* <[nortonroselawfirm.com](mailto:nortonroselawfirm.com)> within the stipulated timeframe.

On 23 April 2014, the ADNDRC-HK informed the Complainant that:-

*“In accordance with Paragraph (4) of the Rules, we have reviewed the Complaint concerning the following domain name for administrative compliance with the UDRP and its Rules:-*

*<nortonroselawfirm.com>*

*According to the information from the registrar as attached, the Disputed Domain Name is registered by “roseline”. The details are as follows:-*

*Registrant Details*

*Roseline*

*[nortonrosela@hotmail.com](mailto:nortonrosela@hotmail.com)*

*N/A*

2120 N Woodlawn ST STE 308, Wichita, Kansas, United States 876588

+1.31678909065

*On this basis and according to paragraph 4(b) of the Rules, may we ask the Complainant to revise and resubmit its complaint on or before 28 April 2014, failing which the Complainant will be deemed withdrawn without prejudice to submission of a different complaint by the Complainant."*

On 23 April 2014, the Complainant informed the *ADNDRC-HK* that it will amend and re-submit the Complaint Form C within the prescribed time frame.

On 23 April 2014, the Complainant through an email, resubmitted to *ADNDRC-HK* the amended Complaint Form C together with the Complaint Transmittal Coverage and all exhibits.

On 25 April 2014, the *ADNDRC-HK* sent an email to the Complainant stating the following:-

*"Dear Sirs,*

*This is to confirm the receipt of the revised Complaint Form within the required period of time.*

*We are reviewing your Complaint concerning <nortonroselawfirm.com> as to whether it is in compliance with the Policy, the Rules and the Supplemental Rules.*

*According to Para 3 (b) (xii) of the Rules, the Complaint shall state that a copy of the complaint, including any annexes, together with the Complaint Transmittal Cover page (CTC) as prescribed by the Provider's Supplemental Rules, has been sent or transmitted to the Respondent (domain-name holder), in accordance with Paragraph 2(b).*

*Please indicate to us whether you have served a copy of your Complaint as stated above to the Respondent...*

On 25 April 2014, the Complainant informed the **ADNDRC-HK** that the Complaint has not been served to the Respondent.

On 25 April 2014, the **ADNDRC-HK** sent an email to the Complainant stating that:-

*“Dear Sirs*

*Thank you for your email and noted.*

*May we ask you to serve a copy of the Complaint, including any annexes, together with the Complaint Transmittal Cover Page (CTC) to the Respondent (domain-name holder) in accordance with Para. 2(b) of the Rules...”*

On 25 April 2014, the Complainant replied the **ADNDRC-HK**'s request by confirming that a copy of the Complaint, together with all the annexes and the Complaint Transmittal Cover Page was served on the Respondent by email at [nortonrosela@hotmail.com](mailto:nortonrosela@hotmail.com).

On 25 April 2014, with reference to the copy email for service provided by the Complainant, the **ADNDRC-HK** replied with its acknowledgement of such service.

On 25 April 2014, the **ADNDRC-HK** sent a Written Notice of Complaint (“**Notice**”) consisting of the Complaint, to the email address of the Respondent’s nominated registrant contact for the **Disputed Domain Name** (as recorded in the PublicDomainRegistry.com’s WHOIS database <http://whois.publicdomainregistry.com>). The Notice requires the Respondent to file a Response within twenty (20) days from 25 April 2014, i.e. on or before 15 May 2014.



On 19 May 2014, the *ADNDRC-HK* sent an email notifying the Complainant (with a copy to the Respondent) that the Respondent failed to submit a response within the prescribed timeframe (i.e. on or before 15 May 2014).

On 23 May 2014, Mr. Christopher To was approached by the *ADNDRC-HK* to ascertain whether Mr. Christopher To was available to act as a Panelist in the matter in question and whether Mr. Christopher To can act independently and impartially between the parties.

On 26 May 2014, Mr. Christopher To confirmed to the *ADNDRC-HK* that he is willing to act and can act independently and impartially between the parties if so appointed.

On 3 June 2014, the *ADNDRC-HK* confirmed the Appointment of Mr. Christopher To as sole Panelist in relation to the *Disputed Domain Name*. Papers pertaining the case were delivered to the Panelist by an email on 3 June 2014, followed by a hard copy on 6 June 2014.

In accordance with the Rule 15(a) of the *Rules* of Uniform Domain Name Dispute Resolution Policy, the Panel shall decide the Complaint on the basis of the statements and documents submitted.

Also, according to Rule 15(d) of the *Rules* of Uniform Domain Name Dispute Resolution Policy this Panel shall issue a reasoned decision.

### 3. Factual background

#### For the Complainant

The law firms Norton Rose Fullbright LLP, Norton Rose Fullbright Australia, Norton Rose Fullbright Canada LLP, Norton Rose Fullbright South Africa and Fullbright & Jaworski LLP (collectively known as *Norton Rose Fullbright*) are members of Norton Rose Fullbright Verein, a Swiss Verein.

Norton Rose Fullbright was founded in London in 1794. It provides the world's pre-eminent corporations and financial institutions with a full business law service.

In or about 1988, Norton, Rose, Botterell & Roche changed its trade name to Norton Rose.

In or about 2007, Norton Rose was converted into a limited liability partnership structure.

The Complainant, Norton Rose Fullbright Hong Kong is an affiliate law firm of the law firm Norton Rose Fullbright LLP (formerly known as Norton Rose LLP). As suggested by the Complainant, Norton Rose Fullbright is the owner of and has been using the trade name and trademark of "NORTON ROSE" in respect of legal and other related services either through itself or its related entities in the world since at least 1988 (hereinafter referred to as the "*Norton Rose Mark*").

In relation to the trade marks registration, the Complainant is the registered proprietor of numerous *Norton Rose Mark* around the world, including Australia, Canada, China, Europe, France, Hong Kong, Singapore, South Africa, Thailand and the UK. (See **Exhibit 2**- the Trade Mark Report of the global trade mark registrations of the Norton Rose Mark)

The Complainant is and was at all material times the registered proprietor of the *Norton Rose Mark* in classes 35 and 42 of the Hong Kong Trade Marks Registry under registration no. 300354285 in respect of “business management consultancy services” and “legal research services and legal services” respectively. The *Norton Rose Mark* was registered in 14 January 2005 and has at all material times been valid and subsisting.

The Complainant first became aware of the *Disputed Domain Name* in October 2013. On 28 October 2013, Norton Rose Fullbright LLP received an inquiry about an email transmitted from one “nortonrose lawfirm” via the email address of [info@nortonroselawfirm.com](mailto:info@nortonroselawfirm.com) (hereinafter referred to as “the *Fraudulent Email*”). (See a print out of the inquiry and a copy of the Fraudulent Email in **Exhibit-5**)

The printout clearly shows that the sender of the *Fraudulent Email* was one Mrs. Rose Wu who claimed to be the Principal Partner of a reputable law firm named “NORTONROSE & ASSOCIATES. Mrs. Rose Wu further claimed that before she could proceed with handling the brief of the email recipient, she would need the recipient to transfer money to her designated bank account on or before 1 November 2013. The email recipient was asked to fill up a claim form and answer all the questions as requested by Mrs. Rose Wu for identification purposes.

Having further investigated the *Fraudulent Email* by the Complainant, Norton Rose Fullbright can confirm that the *Fraudulent Email* was not sent by anyone within Norton Rose Fullbright.

In view of the foregoing reasons, the *Fraudulent Email* aims to mislead the recipient into believing that the email was sent from Norton Rose Fullbright and deceiving the recipient into transferring money to the sender's bank account.

The Complainant's representative is Mr. Justin Davidson of 38<sup>th</sup> Floor, Jardine House, 1 Connaught Place, Central, Hong Kong.

### **For the Respondent**

The Respondent, Roseline, is a company located in the United States.

On 21 June 2013, the *Disputed Domain Name* <[nortonroselawfirm.com](http://nortonroselawfirm.com)> was registered by the PublicDomainRegistry.com in the name of the Respondent. As noted by the Registrar's email dated 16 April 2014, the holder of the *Disputed Domain Name* is Roseline.

On 19 May 2014, the *ADNDRC-HK* sent an email to the Complainant (with a copy to the Respondent) that the Respondent had not responded to the *ADNDRC-HK* within the stipulated timeframe (i.e. on or before 15 May 2014). As such, the Respondent has not contested the allegations of the Complainant and is in default.

## **4. Parties' Contentions**

### **A. Complainant**

The Complainant's contentions may be summarized as follows:-

#### **(i) Disputed domain name is confusingly similar to the complainant's trademarks**

The Complainant contends that the law firms Norton Rose Fullbright are global legal practice firms, which provide the world's pre-eminent corporations and financial institutions with full business law services. Norton Rose Fullbright has more than 3800 lawyers based in more than 50 cities across Europe, the United States, Canada, Latin America, Asia, Australia, Africa, the Middle East and Central Asia.

The Complainant further contends that Norton Rose Fullbright is the registered owner and has been using the trade name and *Norton Rose Mark* in respect of legal and other related services either through itself or its related affiliates around the world since at least 1988. As a result of the extensive and longstanding use and promotion of the trade name and *Norton Rose Mark* in respect of legal and other related services, Norton Rose Fullbright has acquired important and valuable reputation and goodwill in the Norton Rose Mark and the Norton Rose Mark has become exclusively associated with Norton Rose Fulbright amongst the relevant consumers and general the public in the world.

The Complainant submits that the *Disputed Domain Name* contains the word components "norton rose" and "law firm". The component "law firm" appears to be descriptive in nature and merely designates the specific industry in which the registrant of the *Disputed Domain Name* intends to use the Domain Name. Further, the word "NORTON ROSE" is the only distinctive component in the *Disputed Domain Name* and it is identical to the *Norton Rose Mark* in which Norton Rose Fullbright has acquired and enjoys the legitimate rights and interests thereto.

For the foregoing reasons, the Complainant concludes that the *Disputed Domain Name* <nortonroselawfirm.com> is “identical and/or confusingly similar to the trademarks in all aspects.

(ii) **The Respondent has no right or legitimate interest in respect of the disputed domain name**

With regard to the rights and/or legitimate interests in respect of the Disputed Domain Name, the Complainant submits that the Respondent was not commonly known by the *Disputed Domain Name* given that the Respondent has not operated any website over the *Disputed Domain Name* since the date of registration on 21 June 2013. The Respondent has not made any legitimate or active use of the Disputed Domain Name except the Fraudulent Email as aforementioned.

In addition, the Respondent does not own any trade mark registrations corresponding to the *Disputed Domain Name* nor has it made any legitimate non-commercial or fair use of the *Disputed Domain Name* elsewhere in the world.

In the light of the investigation as aforementioned, the Complainant further submits that the Respondent has no connection or affiliation with Norton Rose Fullbright and has received no authorization or consent from Norton Rose Fullbright to use the *Norton Rose Mark* or any other trademarks of Norton Rose Fullbright.

For the foregoing reasons, the Complainant submits that there is a prima facie case that the Respondent has no rights or legitimate interests in relation to the *Disputed Domain Name*.

(iii) **The Respondent has shown bad faith in registering and using the domain name**

In relation to the Respondent's bad faith in registering the *Disputed Domain Name*, the Complainant submits that the registration of the Disputed Domain Name on 21 June 2013 containing identical words components with the *Norton Rose Mark* clearly proves its intention to mislead the email recipients into believing that the emails transmitted from the email address [info@nortonroselawfirm.com](mailto:info@nortonroselawfirm.com) are legitimate emails from Norton Rose Fullbright and to deceive email recipients into transferring money to the Respondent's designated bank account to obtain illegal gain.

On this basis, the Complainant contends that the Respondent has intentionally attempted to attract commercial profit by linking the *Disputed Domain Name* with that of the Complainant's legal services in some way.

In gist, the Complainant asserted that if all the 3 elements as aforementioned have been satisfied in this case, the Complainant seeks to ask the Panel to make an order that the *Disputed Domain Name* be transferred to the Complainant or to Norton Rose Fullbright LLP.

B. **Respondent**

The Respondent's contentions may be summarized as follows:

On 21 June 2013, the *Disputed Domain Name* <[nortonroselawfirm.com](http://nortonroselawfirm.com)> was registered by the PublicDomainRegistry.com. With reference to the Registrar's email dated 16 April 2014, the holder of the *Disputed Domain Name* is Roseline.

On 19 May 2014, the *ADNDRC-HK* sent an email to the Complainant (with a copy to the Respondent) that the Respondent had not responded to the *ADNDRC-HK* within the stipulated timeframe (i.e. on or before 15 May 2014). As such, the Respondent has not contested the allegations of the Complainant and is in default.

In gist, the Respondent has not asserted any claims, defenses or contentions, nor submitted any evidence denying the claims by the Complainant.

## 5. Findings

Having considered all the documentary evidence before me, and the Respondent's non-participation in these proceedings after being afforded every opportunity to do so in accordance with Paragraph 5(e) of the *Rules*, the Panel is of the view that it should proceed to decide on the *Disputed Domain Name*, namely <[nortonroselawfirm.com](http://nortonroselawfirm.com)> based upon the Complaint and evidence adduced by the Complainant.

Paragraph 5 (e) of the *Rules* stipulates that:-

*“If a Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint.”*



## **Discussions and Findings**

The ICANN Uniform Domain Name Dispute Resolution Policy (“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 must be 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**

Paragraph 4(a)(i) of the *Policy* requires the Complainant to prove that the Disputed Domain Name is **identical** or **confusingly similar** to a trademark or service mark in which the Complainant has rights.

Taking into consideration of the evidence submitted by the Complainant, the Panelist considers that the Complainant has established its right in the trade mark “NORTON ROSE” through its distinctive and long use in providing legal and related services since 1988. The Panelist also accepts that the rights are well known around the world given that the *Norton Rose Mark* has been validly registered in more than 50 countries in the world.

In the present case, the Complainant is the registered proprietor of the trademarks “*Norton Rose*” in various jurisdictions.

For instance, as aforementioned, the Complainant is the registered owner of the *Norton Rose Mark* being registered in the Trade Marks Registry with the registration no. 300354285. The said *Norton Rose Mark* was registered on 14 January 2005 and it relates to a mark made up of word components “NORTON ROSE”. The trade mark is currently registered in Classes 35 and 42.

The Complainant is also the registered owner of the *Norton Rose Mark* being registered in the Ministry of Economy & Trade Commercial Registration & Licensing Department Industrial Property Office of the State of Qatar with the registration nos. 5121524 and 63868. The said Norton Rose Marks were registered on 30 July 2012 and both of them relate to a mark made up of word components “NORTON ROSE”. The trademarks are currently registered in Classes 35 and 42 respectively.

Likewise, the Complainant is also the registered owner of the *Norton Rose Mark* being registered in the Intellectual Property Corporation of Malaysia with registration nos. 2010014141 and 2010014142. Same as the above Norton Rose Marks, the said Norton Rose Marks were registered on 2 August 2010 and again they relate to a mark made up of word components “NORTON ROSE”. The trademarks are currently registered in Classes 35 and 45 respectively.

With regardless to the descriptive word component “law firm”, the Panel considers that the identifiable part of the Disputed Domain Name “nortonrose” is clearly identical to the Complainant’s *Norton Rose Mark*.

As aforementioned, the Respondent has not contested the allegations of the Complaint and is in default.

For all the foregoing reasons, the Panelist concludes that the Complainant has discharged its burden of proof to establish the elements of identical and confusingly similar mark as stipulated in Paragraph 4(a)(i) of the *Policy*.

**B) Rights and Legitimate Interests**

Paragraph 4(c) of the *Policy* provides, *inter alia*, that the burden of proof vests on the Respondent to prove and satisfy with the following circumstances, in order to demonstrate that it has rights and legitimate interests in the Disputed Domain Name:-

- (i) *before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or*
- (ii) *you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or*
- (iii) *you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.*

As aforementioned, the Respondent has failed to contest in the proceedings. However, even the Respondent did not produce any evidence to support its rights and legitimate interests in using the *Disputed Domain Name*, the Complainant is still required to prove that the Respondent has no rights and legitimate interests (*Neusiedler Aktiengesellschaft v. Kulkarni*, WIPO Case No. D2000-1769).

As aforementioned in paragraph (A), the Panelist accepts that the Complainant has acquired rights and interest in the *Norton Rose Mark* worldwide, including but not limited to Hong Kong. And the date of registration of the *Norton Rose Mark* has clearly pre-dated the registration of the Disputed Domain Name by the Respondent in June 2013.

The Complainant confirmed that it did not grant any license, authorization or consent to use the *Norton Rose Mark*. Further, from the evidence before the Panelist, the Panelist considers that there is no connection between the Complainant and the Respondent notwithstanding their similar nature of business in providing legal and related services, not to say there is any connection between the *Norton Rose Mark* and the Respondent's trade name "Roseline", address and services provided thereto.

The Panelist accepts that the Complainant is able to prove that the Respondent has no trademark or intellectual property rights in *Norton Rose Mark*. Given the Respondent has not operated any website using the Disputed Domain Name since the registration date anywhere in the world and has failed to make any legitimate use of the same except the *Fraudulent Email*, the Panel also contends that the Respondent cannot be commonly associated by the Disputed Domain Name.

For the forgoing reasons, the Panelist concludes that the Respondent does not have any rights and legitimate interests in respect of the Disputed Domain Name pursuant to paragraph 4(a)(ii) of the *Policy*.

**C) Bad Faith**

Paragraph 4(b) of the *Policy* sets out four (4) factors in which the Panelist shall take into account in determining whether the Respondent has registered and used the Disputed Domain Name in bad faith. The prescribed four (4) factors are as follows:-

- (i) *circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or*
- (ii) *you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or*
- (iii) *you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or*

- (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 view of the evidence before the Panelist, the Panelist considers that the Respondent should have knowledge of the rights of the Complainant on the ***Norton Rose Mark*** at the time of registering the ***Disputed Domain Name*** on 21 June 2013, in particular to the Complainant's reputation and goodwill of providing legal and related services worldwide with and by reference to the ***Norton Rose Mark*** having been registered in 1988.

In the case of ***Sony Kabushiki Kaisha (also trading as Sony Corporation) v. Inja, Kil*** (WIPO Case No. D2000-1409) ("Sony Kabushiki"), the Panel stated that:-

*"that it is inconceivable that the Respondent could make any active use of the disputed domain names without creating a false impression of association with the complainant."*

Further, the case ***Ecco Sko A/S v Privacy Protect.org / Li Jing, Wang Jianguo, and Yang Yan*** (WIPO's Decision, Case No: D2013-0016)(Dated 19 February 2013) ("Ecco Sko A/S"), the Panel stated that:-

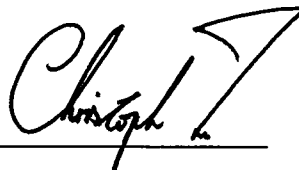
*"Under paragraph 4(b) of the Policy, it shall be evidence of registration and use in bad faith if the Complainant can show that, by using the disputed*

*domain name, the Respondent have intentionally attempted to attract, for commercial gain, Internet users to their websites or other online locations, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of their websites or locations or of a product or service on their websites or locations"*

In the present case, the evidence submitted by the Complainant clearly shows that the Respondent has an intention to mislead and/or to deceive the email recipients into believing that the ***Disputed Domain Name*** is that of the Complainant's email by registering the same on 21 June 2013, so that the Respondent can attract email recipients to transfer money into the Respondent's designated bank account, for the purpose of obtaining illegal commercial gains.

**6. Decision**

The Panelist is satisfied that the Complainant has sufficiently proved the existence of all three elements pursuant to Paragraph 4(a) of the ***Policy***, on this basis the Panelist orders the Disputed Domain Name <[nortonroselawfirm.com](http://nortonroselawfirm.com)> be transferred to the Complainant.

A handwritten signature in black ink, appearing to read "Christopher To", written over a horizontal line.

Mr. Christopher To  
Panelists

Dated: 23 June 2014