

**Asian Domain Name Dispute Resolution Centre
(Kuala Lumpur Office)**

ADMINISTRATIVE PANEL DECISION

Case No.: AIAC//ADNDRC-897-2020
Complainant: Genting International Management Limited
Respondent: Jonathan Ng, Black Sire Technology Co., Ltd,
Disputed Domain Name(s): <maxim88genting.com >, <maxim88my.com>, <maxim88my2.com>, <maxim88my3.com>, <maxim88myr.com>

1. The Parties

The Complainant is Genting International Management Pte Ltd, Malaysia, represented by Lim Zhi Jian, Malaysia.

The Respondent is Jonathan Ng, Black Sire Technology Co., Ltd, Malaysia.

2. Procedural History

The Complaint was filed with the Kuala Lumpur Office of the Asian Domain Name Dispute Resolution Centre (the "ADNDRC") against an address in 14455 N, Hayden Road, Scottsdale, 85620, Arizona, United States on November 24, 2020 regarding the Disputed Domain Names. On December 04, 2020, the ADNDRC transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 10, 2020, the Registrar transmitted by email to the ADNDRC its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The ADNDRC 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 ADNDRC Supplemental Rules to ICANN Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

The ADNDRC formally notified the Respondent of the Complaint, and the proceedings commenced on December 10, 2020. The due date for Response was December 30, 2020. A reply was submitted by Kenji Goh, a resident of Malaysia, on December 23, 2020.

The ADNDRC appointed Mr. Kar Liang Soh as the sole panelist in this matter on December 28, 2020.

3. Factual Background

The Complainant is part of the Genting Group of companies which originated from Malaysia. The core businesses of the Genting Group are in leisure hospitality and casinos, and diversified investments in various fields including oil palm plantations, oil and gas and property development. The Genting Group has won the World's Leading Casino Resorts from 2005 to 2010.

The Genting Group markets and offers their products under trademarks comprising the word "MAXIMS" (since as early as 2004) and/or "GENTING" (since as early as 1965) (collectively, the "Marks"). Many trademark

registrations around the world are held in the name of the Complainant and/or companies under the Genting Group in various international classes including Class 41 for casino and gaming services among other things.

Some of these registrations for trademarks comprising the word MAXIMS are:

Jurisdiction	Registration No	Registration date
Malaysia	04019783	December 16, 2004
Singapore	T100369J	March 26, 2010

Some of these registrations for trademarks comprising the word GENTING are:

Jurisdiction	Registration No	Registration date
Brunei	10197	March 3, 1981
Malaysia	07019137	September 28, 2007

Very little information about the Respondent beyond than that derived from the Who-Is records and Registrar verification of the Disputed Domain Names is available.

The Disputed Domain Names <maxim88genting.com>, <maxim88my.com>, <maxim88my2.com>, <maxim88my3.com> and <maxim88myr.com> were registered respectively on July 23, 2020, May 01, 2020, May 05, 2020, May 15, 2020, and May 01, 2020. On or before the Complaint, the Disputed Domain Name <maxim88genting.com> resolved to a website which offered online cash deposit services. On or before the Complaint, the Disputed Domain Names <maxim88my.com>, <maxim88my2.com>, <maxim88my3.com> and <maxim88myr.com> each resolved to essentially identical websites which offered casino services and online cash deposit/withdrawal services. All the websites feature a similar design theme prominently displaying a logo incorporating the word MAXIM. The trademark GENTING is also featured in a large-sized font on some of the pages of these websites. The Respondent also operated a Youtube channel which published a video belonging to the Complainant and/or the Genting Group under the title "MAXIM88 and Genting Mooncake" (the "Mooncake Video").

4. Parties' Contentions

A. Complainant

The Complainant contends that:

- a) The Disputed Domain Names are identical or confusingly similar to trademarks in which the Complainant has rights. The Disputed Domain Names consist of the words "MAXIMS", "GENTING", "my" or "myr". The words "my" and "myr" indicate Malaysia;
- b) The Respondent has no rights or legitimate interests in respect of the Disputed Domain Names. Mere registration of the Disputed Domain Names by the Respondent does not establish rights or legitimate interests in them. The Genting Group and/or any of its member companies have not authorized or consented to the Respondent to use the Marks, and/or for the Respondent to use or register the Disputed Domain Names. The use of the Marks and/or registration of the Disputed Domain Names are unlawful and illegal;
- c) The Disputed Domain Names were registered and are being used in bad faith. The Marks are well known. The Respondent knew very well that the Genting Group and/or its members own the Marks. It is no coincidence that the Respondent chose the words MAXIMS, GENTING, "my" and "myr" being aware of the Complainant's and/or the Genting Group's trademarks, goodwill and reputation. The Respondent used 3 elements which connect to the Complainant: (1) MAXIM, (2) GENTING, and (3) Malaysia. The Disputed Domain Names are used to promote online casino services which the Genting

Group is known for. The intention to pass off and misappropriate the Complainant's goodwill is clear, to not only gain unlawful financial benefits, but to also disrupt the Complainant's business, goodwill and reputation. The Mooncake Video is a deliberate and intentional act to create confusion, deception and misrepresentation to the public that the Respondent is associated/connected with the Complainant and/or the Genting Group when it is not the case.

B. Respondent

The Response is very short and is essentially a bare denial of all the contentions of the Complainant and an assertion that the Complainant's and the Respondent's company names are different.

5. Findings

To succeed in this proceeding, the Complainant must establish the following limbs of paragraph 4(a) of the Policy in the facts:

- i) The Disputed Domain Names are identical or confusingly similar to a trademark in which the Complainant has rights;
- ii) The Respondent has no rights or legitimate interests in respect of the Disputed Domain Names; and
- iii) The Disputed Domain Names were registered and are being used in bad faith.

A. Identical or Confusingly Similar

In view of the various trademark registrations for the Marks in the name of companies under the Genting Group, the Panel is satisfied that the Complainant has rights in the same. It is readily apparent that all the Disputed Domain Names incorporate the word "maxim" which is an obvious misspelling of the trademark MAXIMS. Additionally, the Disputed Domain Name <maxim88genting.com> also incorporates the trademark GENTING in its entirety.

The differences between the Disputed Domain Names and the Marks are as follows:

- <maxim88genting.com>: the intermediate numbers "88"
- <maxim88my.com>: the suffixes "88" and "my"
- <maxim88my2.com>: the suffixes "88" and "my2"
- <maxim88my3.com>: the suffixes "88" and "myr"
- <maxim88myr.com>: the suffixes "88" and "myr"

The trademark MAXIMS (albeit as an obvious misspelling "maxim") is dominant and prominently recognizable in the Disputed Domain Names. The Panel does not find that the inclusion of the generic numbers "88" and/or the combinations "my", "my2", "my3" or "myr" (which incorporate the letters "my", being a common shorthand for "Malaysia") prevents any confusing similarity between the trademark MAXIMS and the Disputed Domain Names. In addition, the trademark GENTING is also prominently recognizable in the Dispute Domain Name <maxim88genting.com>. As such, the Panel holds that all the Disputed Domain Names are confusingly similar to trademarks in which the Complainant has rights within the meaning of the first limb of paragraph 4(a).

B. Rights or Legitimate Interests

The Complainants have denied any authorization or consent having been granted to the Respondent for the use of the Marks or the Disputed Domain Names. There is nothing in the evidence to suggest that the Respondent is using the Disputed Domain Names for any legitimate non-commercial purposes. In fact, the websites resolved from the Disputed Domain Names quite clearly indicate that the Disputed Domain Names are used to direct Internet users to commercial casino services.

The Panel accepts that the Complainant has established a prima facie case that the Respondent does not have any rights or legitimate interests in any of the Disputed Domain Names. The Respondent has not provided evidence or rebuttal to the contrary in the Response. In the circumstances, the Panel holds that the second limb of paragraph 4(a) of the Policy is established.

C. Registered and Used in Bad Faith

Based on the evidence in the proceedings, there is no doubt in the Panel's mind that the Respondent is fully aware of the Genting Group and the Marks. The Panel is of the view that the Genting Group and its casino services are well known in Malaysia. The Respondent, being based in Malaysia, must have been aware of the same. The websites resolved from the Disputed Domain Names all feature the misspelling of the trademark MAXIMS, that is, "maxim" prominently. The trademark GENTING is featured in a large-sized font on some of the pages of these websites. Gaming activities and services are strongly promoted on these websites. The blatant association of the websites with the Marks would have been inescapable to visitors. The Mooncake Video only serves to further cement this association.

Paragraph 4(b)(iv) of the Policy provides as follows:

"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."

The services promoted on the websites resolved from the Disputed Domain Names are clearly intended for commercial gain. The Panel is convinced that the present case falls squarely within the scope of bad faith registration and use pursuant to paragraph 4(b)(iv). It is obvious that the Disputed Domain Names are being used to attract internet users to the websites resolved therefrom by creating a likelihood of confusion with the Marks as to the source, sponsorship, affiliation, or endorsement of the websites or services offered on these websites. In the face of the foregoing, the Panel fails to see how any difference in the Complainant's company name and the Respondent's company name, as claimed by the Respondent, could help to justify a position that is otherwise.

In view of the above, the Panel holds that the third limb of paragraph 4(a) of the Policy is also established.

7. 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 Names, <maxim88genting.com>, <maxim88my.com>, <maxim88my2.com>, <maxim88my3.com> and <maxim88myr.com>, be transferred to the Complainant.

Kar Liang Soh
Sole Panelist

Date: January 11, 2021