



Asian Domain Name Dispute Resolution Centre

hongkong

**(Hong Kong Office)**

**ADMINISTRATIVE PANEL DECISION**

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<b>Case No.</b>	HK-2101441
<b>Complainant:</b>	Bitmain Technologies Limited
<b>Respondent:</b>	Svetlana Ivanova
<b>Disputed Domain Name(s):</b>	< bitmain.click >

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

The Complainant is Bitmain Technologies Limited, of Rooms 05-15, 13A/F South Tower, World Finance Centre Harbour City, 17 Canton Road, Tsim Sha Tsui, Kowloon, Hong Kong Special Administrative Region (HKSAR). The authorized representative of the complainant is Han Kun (Shenzhen) Law Offices, of 20/F, Kerry Plaza Tower 3, 1-1 Zhongxinsi Road, Futian District, Shenzhen 518048, Guangdong, People's Republic of China (PRC).

The Respondent is Svetlana Ivanova, of Naberezhnaya 16 Tomari, Sahalinskaya oblast Tomarinskiy rayon 07205 Russia.

The domain name at issue is < bitmain.click >, registered by Respondent with NameSilo, LLC, of 8825 N. 23rd Ave Suite 100, Phoenix, Arizona, 85021, United States of America (USA).

**2. Procedural History**

On March 28, 2021, the Complainant submitted the Complaint in Chinese on domain name < bitmain.click > to the Hong Kong Office of the Asian Domain Name Dispute Resolution Centre (the "Centre"), in accordance with the Uniform Domain Name Dispute Resolution Policy (the "Policy") adopted by the Internet Corporation for Assigned Names and Numbers (ICANN) on August 26, 1999, the Rules for Uniform Domain Name Dispute Resolution Policy Disputes (the "Rules") approved by ICANN on September 28, 2013, and the Asian Domain Name Dispute Resolution Centre Supplemental Rules in effect as of July 31, 2015. By email message dated March 29, 2021, the Center confirmed the receipt of the Complaint.

After receiving the Complaint, the Centre, in accordance with the Supplemental Rules, verified that the Complaint complied with the formal requirements of the Rules and the Supplemental Rules. In that regard, on March 29, 2021, the Centre requested the Registrar to confirm: (1) that the disputed domain name was registered with the Registrar, (2)

whether the Respondent is the registrant or holder of the name, and (3) whether the Policy applies to the name; and to specify: (4) the language of the Registration Agreement of the disputed domain name, (5) WhoIs information for the disputed domain name, and (6) the current status of the domain name.

On March 29, 2021, the Registrar provided its response to the Centre through which it confirmed that: (1) the name was registered with NameSilo, LLC, (2) the information of the Respondent in the Complaint is different from the Whois information provided by the Registrar, and (3) the Policy applies to the name. The Registrar also stated that (4) the registration agreement is not in Chinese but in the English language, (5) provided name and contact information pertinent to the name as reflected in its WhoIs database, and stated that (6) the domain name is currently locked and is not allowed to transfer pending the initiated proceedings.

On March 29, 2021, in accordance with Article 4 of the Rules, the Centre requested the Complainant to update the information of the Respondent in the Complaint Form with reference to the Whois information provided by the Registrar. Moreover, the Centre reminded that according to Article 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 of the disputed domain name < bitmain.click > is English, therefore the language of the proceedings of this complaint should be English.

On April 3, 2021, the Complainant submitted the revised Complaint in English on domain name < bitmain.click > to the Centre, in accordance with the Policy, the Rules Supplemental Rules. By email message dated April 3, 2021, the Center confirmed the receipt of the Complaint, together with Annexures 1 to 12. The Complainant requested a single person panel.

On April 7, 2021, the Centre sent the Complaint to the Respondent. The Respondent was then provided with a 20-calendar day period, expiring on April 27, 2021, to file its Response both with the Centre and the Complainant. On April 26, 2021, the Centre received a Response from the Respondent in respect of the Complaint concerning the domain name < bitmain.click > within the required time.

Pursuant to the Rules and Supplemental Rules, the Centre, by email dated April 27, 2021, contacted the undersigned, Professor Julien Chaisse, requesting his service as a Sole Panelist for this dispute. Subsequently, on the same day, Prof. Chaisse responded and affirmed his ability to act completely independently and impartially in this matter. Subsequently, the Centre, through an email dated April 27, 2021, notified the Parties of the appointment of Professor Chaisse as the Sole Panelist.

The Panel finds that the Administrative Panel was properly constituted and appointed in accordance with the Rules and the Supplemental Rules. Based on the deadline set forth in paragraph 15 of the Rules, a decision was to be issued by the Panel to the Center on or before May 11, 2021.

### **3. Factual background**

## The Complainant: Bitmain Technologies Limited

### A. The Complainant and its activities

The Complainant and its related companies (including but not limited to Bitmain Technology Holding Company and Beijing Bitmain Technology Limited Company) are leading global technology companies, offering products including chips, servers and cloud solutions, which are mainly used in the areas of blockchain (especially in the fields of bitcoin and mining machine) and artificial intelligence. The Complainant and its related companies have places of business in China, Singapore, the United States, and other locations.

The Complainant and its related companies have received multiple rounds of financing, and they have been honored both domestically and internationally by being named in the Hurun Global Unicorn List 2019, the Hurun China 500 Most Valuable Private Companies 2019, the Hurun China Most Valuable Chip Design Companies 2020, the Silicon 100, the Hurun China 500 Most Valuable Private Companies 2020 in association with Shimao Haixia, and the Suzhou New District · Hurun Global Unicorn Index 2020. The Complainant's Antminer products are the industry-leading products that hold a majority share of the global market and have been rated as top mining products by several domestic and foreign media.

### B. The Complainant's BITMAIN Marks

The Complainant and its related companies enjoy prior trade name rights, prior trademark rights, and prior domain name rights and other related rights in respect of marks "Bitmain",

"**BITMAIN**", and "**ANTMINER**" in various countries and regions around the world.

The Complainant is the right holder of the trademarks "**BITMAIN**" and

"**ANTMINER**", and has registered the above-mentioned trademarks in multiple countries and regions (Table 1).

Table 1. Registered trademarks

#	Trademark	Trademark Number	Class	Date of Registration	Country/Region of Registration
1	<b>BITMAIN</b>	40201504948W	9	2015.03.24	Singapore
2	<b>BITMAIN</b>	40201504949X	36	2015.03.24	Singapore
3	<b>BITMAIN</b>	40201504951W	42	2015.03.24	Singapore
4	 <b>ANTMINER</b>	013168042	9 · 42	2014.12.24	European Union
5	 <b>ANTMINER</b>	4708056	9	2015.03.24	United States
6	 <b>ANTMINER</b>	4708234	42	2015.03.24	United States
7	 <b>ANTMINER</b>	715705	9	2018.04.27	Switzerland

The Complainant and its related companies have been using marks including “Bitmain” and “**BITMAIN**” as their trade name since 2013. They also hold registered

trademarks for marks such as “**BITMAIN**” and “**ANTMINER**” in Mainland China, Hong Kong (China), Singapore, the United States, and other countries and regions. Besides, the Complainant’s related company also holds the domain name <bitmain.com>, which has been registered in 2007, and continues to operate as yet.

The Complainant and its brands “Bitmain” and “Antminer” are well-known and influential all over the world in the fields of blockchain (especially in the fields of bitcoin and mining machine) and artificial intelligence.

#### **The Respondent**

The Response from the Respondent in respect of the Complaint concerning the domain name < bitmain.click > does not provide any information as for the legal status and place of incorporation of the Respondent. There is no indication as for the nature and size of the business operated by the Respondent.

#### **4. Parties’ Contentions**

##### **A. Complainant**

The Complainant’s contentions may be summarized as follows:

### i. Identical or Confusingly Similar

The Complainant has registered numerous trademarks comprising the Bitmain Trade Marks to protect its interests around the world. The Complainant accordingly submits that it has proved that the Disputed Domain Name is identical and/or confusingly similar to its registered trade marks in which the Complainant has rights or interests for the purposes of paragraph 4(a)(i) of the Policy.

### ii. Rights or Legitimate Interests

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name pursuant to paragraphs 4(a) (ii) and particular 4(c) of the Policy.

There is no evidence indicating that the Respondent enjoys any prior legal rights or legitimate interests in respect of the domain name in dispute. Firstly, the domain name in dispute was registered on November 1, 2019, which is much later than the time of the Complainant's and its related companies' earliest use and registration of the trademarks

“ **BITMAIN** ”, “ **ANTMINER** ” and the domain name < bitmain.com >. Secondly, there is no relationship between the Complainant and the Respondent. The Complainant has never authorized the Respondent to register or use any trade name, trademark, or domain name related to “Bitmain”, “ **BITMAIN** ”, or “ **ANTMINER** ”.

### iii. Registered and Used in Bad Faith

The Complainant contends that the Respondent registered and is now using the disputed domain name in bad faith under paragraph 4(a)(iii) of the Policy.

First, the Disputed Domain Name does not reflect or correspond to the Respondent's own name. Second, due to the confusing similarity between the Disputed Domain Name and the Bitmain Trade Marks, and the fact that the Respondent had to have been aware of the Complainant and its Bitmain Trade Marks, it is inconceivable that the Respondent registered the Disputed Domain Name for any reason other than in bad faith.

## B. Respondent

The Response from the Respondent in respect of the Complaint concerning the domain name < bitmain.click > is articulated around three main contentions. Firstly, the disputed domain name was registered and assigned to the Respondent. Nevertheless, the Respondent does not dispute that the Domain Name is identical or confusingly similar to a trademark in which Complainant has rights. Secondly, it is contended that the Claimant did not register any trademark in Russia. Thirdly, the Respondent submits that consumers cannot mistake < bitmain.click > for < bitmain.com > because < bitmain.click > is located in a different domain zone (other than .com).

## 5. Findings

In order to succeed on its Complaint, Complainant must demonstrate that the three elements set forth in paragraph 4(a) of the Policy have been satisfied. These elements are that: (i) the Domain Name registered by Respondent is identical or confusingly similar to a trademark or service mark in which Complainant has rights; (ii) Respondent has no rights to or legitimate interests in respect of the Domain Name; and (iii) Respondent has registered and is using the Domain Name in bad faith.

#### **i) Identical / Confusingly Similar**

The Panel finds that the disputed domain name is confusing similar to the Complainant's Bitmain Marks.

The Disputed Domain Name < bitmain.click > incorporates the Complainant's "Bitmain" mark in its entirety. From a simple comparison of the name and the mark, no doubt exists that the disputed domain name is, for all practical purposes, identical to the Complainant's mark Bitmain.

The only difference between the name is the appending of the gTLD (generic top level domain) “.click” to the mark, with that difference being totally irrelevant in assessing confusing similarity or identity under paragraph 4(a) of the Policy and thus ignored. It is well-established that in making an enquiry as to whether a trade mark is identical or confusingly similar to a domain name, the domain extension, in this case < .click >, should be disregarded (see *Rohde & Schwarz GmbH & Co. HG v. Pertshire Marketing, Ltd*, WIPO Case No. D2006-0762).

Therefore, the Panel finds that the disputed domain name < bitmain.click > is, for all practical purposes, identical to the mark Bitmain, which forms one of the Complainant's Bitmain Marks, so as to cause confusion; hence, the Complainant has satisfied its burden under paragraph 4(a)(i) of the Policy.

#### **ii) Rights and Legitimate Interests**

Based on the evidence of record here, the Panel finds that no basis exists which, under the circumstances here, would legitimize a claim to the disputed domain name under paragraph 4(c) of the Policy.

The Bitmain Trade Marks are inherently distinctive, and given also their extensive use by the Complainant since at least 2014 in commerce, Bitmain Trade Marks are immediately recognisable to consumers as being associated with the Complainant, its business and its products.

Even if the Respondent intends to use the Disputed Domain Name (which is denied), and provides evidence to show that it is making demonstrable preparations for use, any such use can never amount to a bona fide offering of goods or services or a legitimate non-commercial or fair use of the Disputed Domain Name. This is because the Disputed Domain Name is identical to the Complainant's well-known "BITMAIN" trade mark, a unique word coined by the Complainant and used exclusively by them, and will inevitably mislead users into believing that the Disputed Domain Name is associated with the Complainant and may divert users to the Disputed Domain Name, enabling the Respondent to make an unfair commercial gain. In *Microchip Technology, Inc. v. Milos Krejcik and*

*EDI Corporation, d/b/a Aprilog.com* (WIPO Case No. D2001-0337), the panel held that although the respondent had been offering legitimate goods for sale prior to any notice of dispute, as the respondent used the domain name to resolve to a website where users were likely to be confused as to whether the site was affiliated with the complainant, the respondent could not be bona fide and did not have legitimate rights or interests in the domain name.

Furthermore, there is no evidence to suggest that the Respondent has been commonly known by the Disputed Domain Name. The Respondent's name (Svetlana Ivanova) does not reflect or correspond with the Disputed Domain Name, and there is no justification or apparent need for her to use "BITMAIN" in the Disputed Domain Name.

Accordingly, the Panel concludes that the Respondent has no rights or legitimate interests in the disputed domain name within paragraph 4(a) (ii) and 4(c) of the Policy.

### **iii) Bad Faith**

After a careful examination of the four, non-exclusive examples enumerated in paragraph 4 (b) of the UDRP, the panel ultimately found, that, based on the available facts and circumstances, the registration and use of the domain name could be said to have been made in bad faith.

The Respondent has been using the disputed domain name to operate the same businesses as the Complainant's, such as sales of mining machines (i.e., computers that obtain bitcoins by running specific algorithms. But compared to ordinary computers, specialized mining machines (such as the Complainant's products "Antminer") can significantly increase the speed of obtaining bitcoins). Moreover, the Respondent sells products named "Antminer",

which is identical to Complainant's registered trademark "  ANTMINER ". Besides, the models of the above products (such as Antminer S19, Antminer S19 Pro, Antminer S19j, Antminer T19) are completely identical to the product models sold by the Complainant. However, the Complainant has never authorized the Respondent to sell the Complainant's products.

Furthermore, due to the confusing similarity between the Disputed Domain Name and the Bitmain Trade Marks, and the fact that the Respondent had to have been aware of the Complainant and its Bitmain Trade Marks (for the reasons stated above), it is inconceivable that the Respondent registered the Disputed Domain Name for any reason other than in bad faith. It is reasonable to infer that the Disputed Domain Name intentionally incorporated the Complainant's "BITMAIN" mark in its entirety for the purposes of misleading and confusing Internet users into believing that the Disputed Domain Name is associated with the Complainant and its Bitmain Trade Marks in order to increase the number of Internet users that access the Website, for commercial gain. The confusion that is relevant here is the confusion that may arise in the minds of Internet users when they come across the domain name " bitmain.click", or type this domain name into their internet browser thinking that it will actually direct them to Bitmain.com website.

As stated in the case of *Alibaba Group Holding Limited v. Alexey Gurov* (ADNDRC Case No. HKS-1400012), "the fact that the disputed domain names are identical to the Complainant's trademarks will mislead users into believing that they are associated with the Complainant. Good faith registration and use by the Respondent is inconceivable." In

this respect, it is inconceivable that registration and use of the Disputed Domain Name < bitmain.click > could be for any reason other than bad faith, in order to mislead users into believing the Respondent is associated with the Complainant for the purposes of commercial gain; to sell the Disputed Domain Names for profit; and/or to prevent the Complainant from reflecting its Bitmain Trade Marks in a corresponding domain name. This falls squarely within paragraph 4(b) of the Policy as evidence of bad faith.

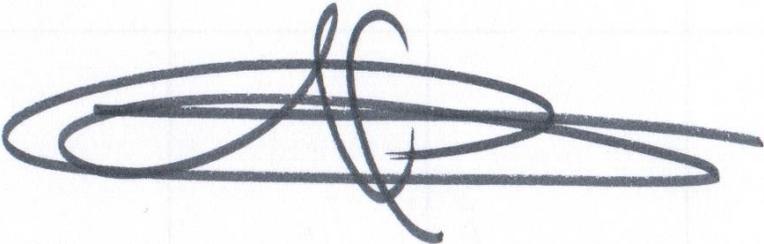
This plainly constitutes bad faith use and registration. The Panel finds that the Respondent's actions, with respect to the disputed domain name, constitute bad faith registration and use.

Consequently, the Panel concludes that the Respondent violated paragraph 4(a)(iii) of the Policy and specifically paragraph 4(b)(i) thereof. Thus, the Panel concludes that the Complainant has provided sufficient proof of its allegations, with respect to the disputed domain name, to establish a case under paragraph 4(a) of the Policy upon which the relief it now seeks can be granted.

## 6. Decision

Based on the above analysis, the Panelist decides that: (1) the disputed domain name < bitmain.click > is confusingly similar to the Complainant's name or mark in which the complaint has rights; (2) the Respondent has no right or legitimate interest in respect of the disputed domain names; (3) the Respondent has registered and is using the domain name in bad faith.

Accordingly, under paragraphs 4(i) of the Policy and 15 of the Rules, the Panelist grants the relief sought by the Complainant. The disputed domain name, < bitmain.click >, is ordered transferred to the Complainant.

A handwritten signature in dark ink, consisting of several overlapping loops and a long horizontal stroke, positioned above the name of the panelist.

Prof. Julien Chaisse  
Panelist

Dated: April 30, 2021