



(Hong Kong Office)

**ADMINISTRATIVE PANEL DECISION**

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<b>Case No.</b>	<b>HK-2101466</b>
<b>Complainant:</b>	<b>Tencent Holdings Limited</b>
<b>Respondent:</b>	<b>Administrator Domain / Scientific God Inc.</b>
<b>Disputed Domain Names:</b>	<b>&lt;ten-cent.net&gt; &lt;ten-cent.org&gt; &lt;tencent.fashion&gt; &lt;wechat.fashion&gt; &lt;tencent.gdn&gt; &lt;tencent.ws&gt; &lt;wechat.webcam&gt; &lt;tencent.host&gt; &lt;tencent.mom&gt;</b>

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

The Complainant is Tencent Holdings Limited, of P.O. Box 2681 GT, Century Yard, Cricket Square, Hutchins Drive, George Town, Grand Cayman, Cayman Islands.

The Respondent is Administrator Domain / Scientific God Inc., of P. O. Box 267 Stony Brook NY 11790-0267 United States.

The domain name <ten-cent.net> is registered by the Respondent with DNC Holdings, Inc., of 3500 N. Causeway Blvd. Suite 160 Metairie Louisiana 70002 United States. The domain names <ten-cent.org>, <tencent.fashion> and <wechat.fashion> are registered by the Respondent with GoDaddy.com, LLC, of 14455 North Hayden Rd Suite 219 Scottsdale AZ 85260 United States. The domain names <tencent.gdn>, <tencent.ws>, <wechat.webcam> and <tencent.host> are registered by the Respondent with NameCheap, Inc., of 4600 East Washington Street, Suite 33 Phoenix AZ 85034 United States. The domain name <ten-cent.mom> is registered by the Respondent with Porkbun LLC, of 650 Greystone Park NE Atlanta GA 30324 United States.

**2. Procedural History**

The Complaint was filed with the Hong Kong office of the Asian Domain Name Dispute Resolution Centre (the “Centre”) on May 20, 2021. On May 21, 2021, the Centre transmitted by email to the Registrars requests for registrar verification in connection with the disputed domain names. On June 2, 2021; May 21, 2021; May 21, 2021; and May 22, 2021, respectively, the Registrars transmitted by email to the Centre their verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Centre has verified that the Complaint satisfies the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy”), the Rules of Procedure under the Policy (the “Rules”) and the Centre’s Supplemental Rules.

In accordance with the Rules, the Centre formally notified the Respondent of the Complaint and the proceeding commenced on June 4, 2021. In accordance with the Rules, the due date for the Response was June 24, 2021. No Response was received by the Centre.

The Centre appointed Sebastian Hughes as the Panelist in this matter on June 25, 2021. The Panel finds that it was properly constituted and has acted impartially in reaching its conclusion.

### 3. Factual background

#### A. Complainant

The Complainant is a leading provider of Internet value added services in China, including its well-known WECHAT Internet platform. The Complainant was founded in November 1998, and has been listed on the main board of the Hong Kong Stock Exchange since June 16, 2004. The Complainant is the owner of numerous registrations for its well-known trade marks TENCENT and WECHAT (the “Trade Marks”) in several jurisdictions, including the following:

TRADEMARK	JURISDICTION/ TM OFFICE	REGISTRATION NUMBER	IC CLASSES	FILING REGISTRATI ON DATE
TENCENT	US / USPTO	5409861	16	2015-05-18 / 2018-02-27
TENCENT	US / USPTO	5500137	41	2015-05-18 / 2018-06-26
WECHAT	US / USPTO	4442135	9, 38	2011-10-25 / 2013-12-03
TENCENT	EM / EUIPO	006033773	9, 38, 41, 42	2007-06-15 / 2008-11-18
WECHAT	EM / EUIPO	010344621	9, 38	2011-10-17 / 2012-03-21
TENCENT	HK / HKIPD	300169506AA	9, 38, 42	2004-03-02
WECHAT	HK / HKIPD	302060252	9, 38	2011-10-17

#### B. Respondent

The Respondent is apparently a company incorporated in the United States.

#### C. The Disputed Domain Names

The disputed domain names were registered on December 3, 2017; December 3, 2017; December 3, 2017; March 2, 2018; December 9, 2017; December 22, 2017; January 23, 2018; March 1, 2018; and January 20 2018 respectively.

## **D. The Website at the Disputed Domain Names**

The disputed domain names resolve to the same English and Chinese language website, which promotes non-mainstream religion and is directed to people in China and the Chinese diaspora.

### **4. Parties' Contentions**

#### **A. Complainant**

The Complainant contends that the disputed domain names are identical or confusingly similar to the Trade Marks; the Respondent has no rights or legitimate interests in respect of the disputed domain names; and the disputed domain names have been registered and are being used in bad faith.

#### **B. Respondent**

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

### **5. Findings**

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute: "A Panel shall decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

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 Panel finds that the Complainant has rights in the Trade Marks acquired through use and registration.

Disregarding the relevant gTLDs (and also, in the case of three of the domain names, a hyphen), the disputed domain names are identical to one or other of the Trade Marks.

The Panel therefore finds that the disputed domain names are identical to the Trade Marks.

## **B) Rights and Legitimate Interests**

Paragraph 4(c) of the Policy provides a list of non-exhaustive circumstances any of which is sufficient to demonstrate that a respondent has rights or legitimate interests in the disputed domain name:

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

The Complainant has not authorized, licensed, or permitted the Respondent to register or use the disputed domain names or to use the Trade Marks. The Panel finds on the record that there is therefore a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain names, and the burden is thus on the Respondent to produce evidence to rebut this presumption.

The Respondent has failed to show that the Respondent has acquired any trade mark rights in respect of the disputed domain names or that the disputed domain names have been used in connection with a *bona fide* offering of goods or services. To the contrary, the Respondent has intentionally used the disputed domain names in order to redirect internet users searching for the Complainant to the Website.

There has been no evidence adduced to show that the Respondent has been commonly known by the disputed domain names.

There has been no evidence adduced to show that the Respondent is making a legitimate non-commercial or fair use of the disputed domain names.

In all the circumstances, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain names.

## **C) Bad Faith**

In all the circumstances, including the fact the disputed domain names are identical to one or other of the Trade Marks, and the Respondent's intentional "bait-and-switch" tactics highlighted in Section B. above, the Panel finds that the requisite element of registration and use in bad faith has been made out.

The Panel therefore finds that the disputed domain names have been registered and are being used in bad faith.

## 6. Decision

Having established all three elements required under the ICANN Policy, the Panel concludes that relief should be granted. Accordingly, it is ordered that the disputed domain names <ten-cent.net>, <ten-cent.org>, <tencent.fashion>, <wechat.fashion>, <tencent.gdn>, <tencent.ws>, <wechat.webcam>, <tencent.host> and <tencent.mom> should be transferred from the Respondent to the Complainant.



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Sebastian Hughes  
Panelist

Dated: July 8, 2021