



Asian Domain Name Dispute Resolution Centre

hong kong

(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2101517
Complainants:	BB IN Technology Co., Ltd. and Yang, Jen-Chieh (楊仁傑)
Respondent:	Li Xie
Disputed Domain Name(s):	< bbinw8.com >


1. The Parties and Contested Domain Name

1. The First Complainant is BB IN Technology Co., Ltd., of 60 Market Square, P.O. Box 364, Belize City, Belize.
2. The Second Complainant is Yang, Jen-Chieh (“楊仁傑” in Chinese), the Chief Executive Officer of the First Complainant.
3. The Respondent is known as Li Xie of Hunan, People’s Republic of China.
4. The domain name at issue is <**bbinw8.com**>, registered by NamePal.com #8018, LLC 1755 Telstar Dr, Suite 114, Colorado Springs, CO 80920

2. Procedural History

1. The Complainants filed this complaint with the Asian Domain Name Dispute Resolution Centre (ADNDRC) (Hong Kong Office) on 21 July 2021.
2. A copy of the Complaint was sent to the Respondent on 13 August 2021.
3. The Respondent failed to respond within 20 calendar days as required under paragraph 5 of the UDRP Rules and on 03 September 2021 was held as being in default.
4. On 03 September 2021, after confirming that he was able to act independently and impartially between the parties, the ADNDRC appointed David Allison as the sole Panelist in this matter.

3. Factual background

5. The 1st Complainant is a leading gaming software developer and supplier in Asia, with successful collaborations with more than 500 clients around the world. The Complainants' "BBIN" group is an active participant in gaming events and exhibitions in Asia. For instance, the Complainants' group has taken part in the Global Gaming Expo Asia ("G2E Asia") for 7 consecutive years. G2E Asia is a premier Asian trade event and the largest regional sourcing platform for global gaming and entertainment products.
6. The Complainants enjoy trademark rights to the mark "BBIN" and various versions thereof, with its earliest mark "BBIN" & device trademark registered in Hong Kong in 2011 (Reg. No. 302035890). The Complainants have subsequently registered many marks for "BBIN" and variations thereof in several jurisdictions in Asia, including Taiwan, Mainland China, Hong Kong, Japan and Singapore. In addition, the Complainants' highly distinctive  trademark was first registered in Hong Kong on 23 December 2014 (Reg. No. 303248343) and subsequently in other jurisdictions throughout Asia.
7. The Complainants maintain that they have also built up a protectable goodwill in their BBIN trademarks through active use of the trademarks on the Complainants' Website and through other activities in Asia (e.g. participation at G2E Asia).
8. The 1st Complainant has been the beneficial owner of the domain name "bb-in.com" since 1 September 2005 and has always used its official website www.bb-in.com to promote its online gaming products.
9. The Respondent failed to file a Response within the deadline. Accordingly, little is known about the Respondent besides the fact that the disputed domain name was registered on 13 November 2018. The disputed domain name resolves to a website relating to online gambling and gaming.

4. Parties' Contentions

10. Complainants:

The Complainants' contentions may be summarized as follows:

- i. The disputed domain name is confusingly similar to the BBIN trademarks owned by the Complainants.
- ii. The Respondent has no rights to the disputed domain name and, being aware of the Complainants and its goodwill, has registered the Disputed Domain name in bad faith.

11. Respondent:

The Respondent did not file a submission within the deadline.

5. Findings

12. 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

13. The Complainants have adduced sufficient evidence to demonstrate that it has clear trademark rights to the mark "BBIN" in Hong Kong and a number of other jurisdictions throughout Asia. The Complainants have also provided abundant relevant evidence, to clearly establish that the trademark "BBIN" is well known and has a relatively high reputation among the relevant public. As such, the Panel finds that the Complainants have sufficient rights and interests in the "BBIN" mark.

14. When comparing the Complainants' marks and the disputed domain name, it is clear that they are confusingly similar in that the "BBIN" element in the Complainants' mark and the disputed domain name are identical.

15. The other elements in the disputed domain name, ie "w8" would be ignored by consumers and does not constitute a distinctive element. Accordingly, when the distinctive element of the Disputed Domain name (ie BBIN) is compared with the Complainants' trademarks, it is obvious that they are identical.

16. Accordingly, the Complainants have made out the first element.

B) Rights and Legitimate Interests

17. The Complainants argue that the Respondent has no rights or legitimate interests in the disputed domain name. Further, they contend that they have not authorized anyone, much less the Respondent to license, use or register any domain name which includes the "BBIN" trademarks.

18. In this case, it is difficult to see any legitimate interest that the Respondent could have in the disputed domain name. The Respondent has chosen a domain name which is deceptively similar to the Complainants' well-known (and quite distinctive) trademarks and the disputed domain name has no relationship with the Respondent's business name whatsoever. The BBIN element does not feature anywhere on the Respondent's website and thus there is no obvious reason why this name has been chosen.

19. As the Respondent has not responded to the Complaint, there is no evidence to counter the Complainants' claim and there is also no obvious legitimate reason for the Respondent to use the "BBIN" element in relation to its business. Therefore, the Panel

finds that the Respondent has no rights or legitimate interests in the disputed domain name and thus, the second element is satisfied.

C) Bad Faith

20. To establish the third element, the Complainants must establish that the Respondent both registered and used the disputed domain name in bad faith. In this case, and for the reasons noted above, there is no evidence to establish that the Respondent had any legitimate rights or interests to the Disputed Domain name. Further, as the Complainants have registered and actively used their distinctive trademarks and the Complainants' website for many years, it is unlikely that the Respondent would have been completely unaware of the Complainants' marks and website prior to registering the Disputed Domain name.
21. Furthermore, the Respondent's website is concerned with online gaming and gambling, which are exactly the same business area as the Complainants. Accordingly, it is highly unlikely that the Respondent would not have been aware of a major player, such as the Complainants, in the same industry.
22. As the Respondent has failed to file any response to counter the Complainants' assertions, the Panel finds that on the balance of probabilities that the Respondent knew of the Complainants' marks and website prior to registration and as such has filed for and used the Disputed Domain name in bad faith, most likely to disrupt the legitimate rights and business of the Complainants.
23. Accordingly, the third element is made out.

6. Decision

24. The Panel finds that the Complainants have satisfied all three elements of UDRP paragraph 4(a). Accordingly, the Panel orders that the disputed domain name <bbinw8.com > be transferred to the 1st Complainant.

David Allison

David Allison
Panelist

Dated: 16 September 2021