

**Asian Domain Name Dispute Resolution Centre
(Beijing Office)
ADMINISTRATIVE PANEL DECISION
Case No. CN-1200581**

Complainant: Lenovo (Beijing) Limited
Respondent: hanxiao li
Domain Name: onlinelenovo.com
Registrar: GoDaddy.com, LLC

1. Procedural History

On 18 July 2012, the Complainant submitted a Complaint in English to the Beijing Office of the Asian Domain Name Dispute Resolution Center (the "ADNDRC Beijing Office"), in accordance with the Uniform Domain Name Dispute Resolution Policy (the "Policy") adopted by the Internet Corporation for Assigned Names and Numbers ("ICANN"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules") approved by ICANN, and Asian Domain Name Dispute Resolution Center Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "ADNDRC Supplemental Rules"), and chose to have a sole panel to hear this case.

On 18 July 2012, the ADNDRC Beijing Office confirmed the receipt of the Complaint. On 18 July 2012, the ADNDRC Beijing Office transmitted by email to ICANN and Godaddy.com, Inc. (the Registrar of the disputed domain name) a request for verification of registration information in connection with the domain name in dispute.

On 21 July 2012, Godaddy.com, Inc. transmitted by email to the ADNDRC Beijing Office its verification response confirming that, the domain name in dispute was registered under its domain registrar and the Respondent is listed as the registrant.

The ADNDRC Beijing Office sent by email the Transmittal of Claims attached by the Complaint to the Respondent on 26 July 2012.

On 3 August 2012, the ADNDRC Beijing Office notified the Complainant that the Complaint had been confirmed and forwarded and the proceedings commenced on 3 August 2012. On the same day, the Notifications of

Commencement of Proceedings were notified to the Respondent, ICANN and the Registrar.

On 24 August 2012, having received no response from the Respondent, the ADNDRC Beijing Office notified the Complainant that the hearing will take place by default.

On 24 August 2012, the ADNDRC Beijing Office notified the Proposed Panelist Ms. Xue Hong to see whether she is available to act as the Panelist in this case and if so, whether she is in a position to act independently and impartially between the parties.

Having received a Declaration of Impartiality and Independence and a Statement of Acceptance from Ms. Xue Hong, on 28 August 2012, the ADNDRC Beijing Office informed the Complainant and the Respondent of the appointment of the Panelist and the constitution of the Panel, transferred the case file to the Panel, and asked the Panel to submit a decision on or before September 11, 2012.

The language of the proceeding is English, as being the language of the Domain Name Registration and Service Agreement, pursuant to Paragraph 11(a) of the Rules, and also in consideration of the fact that there is no express agreement to the contrary by the Parties.

2. Factual Background

For the Complainant

The Complainant is Lenovo (Beijing) Limited, Its address is No. 6 Chuangye Road, Haidian District, Beijing, Its authorized representative is Zheng Hong and Zhang Jie.

For the Respondent

The Respondent is hanxiao li, addressed at qiyi road nanyang, 473000 China. According to the Whois information, the disputed domain name “onlinelenovo.com” was registered through the registrar GoDaddy.com, LLC on 18 July 2011, and the Respondent is the current registrant of the disputed domain name.

3. Parties' Contentions

The Complainant

(1) The Complainant is a world-leading PC company, and its "Lenovo" trademark enjoys prestigious fame in respect of computers and the related products around the world. The domain name at issue is confusingly similar to the Complainant's "Lenovo" well-known trademark.

The Complainant, a subsidiary solely-funded by Lenovo Group in 1984, is a world-leading PC company. Since its inception, the Complainant has been devoting itself to providing its global users with advanced high-tech products and premier services. The Complainant boasts a wide range of products, including personal computers, servers, notebooks, printers, digital products, hand-held devices, etc. From 1996 onward the Complainant's Lenovo computers have been taking the leading position in China in terms of market share for over 10 consecutive years. In 2010-2011, the Complainant's global operating revenues reached about USD21.6 billion and market share surpassed 13.5%, ranking the 2nd among all the global competitors.

On April 28, 2003 the Complainant held a press release announcing to the world the replacement of "Legend" with "Lenovo" trademark. As a world-famous company, such a move of the Complainant attracted worldwide attention as well as extensive media coverage in China, including reports from those mainstream portal websites such as People, Sina, Sohu, Netease and Xinhuanet, which made the "Lenovo" trademark instantly known to the whole world.

The remarkable achievements of the Complainant have been highly acknowledged by statesmen such as Chinese president Hu Jintao and former Chinese vice premier Wu Yi, renowned entrepreneurs like Microsoft CEO Steve Ballmer, and the famous economist Prof. Wu Jinglian who all thought highly of the Complainant and its unparalleled contributions to the whole society during their visits to Lenovo. In the meanwhile, the Complainant and its Lenovo products were awarded by many domestic and international government organizations and media. For instances, Lenovo computers were awarded "China's Well-known Products" by PRC General Administration of Quality Supervision, Inspection and Quarantine. Lenovo KaiTian Series was awarded "2000-2005 China Most Valuable Desktop PC" by China Center for International Industry Development. In 2005, Lenovo computers were awarded

“Reader’s Best Choice” by the magazine MicroComputer.

The Complainant’s “Lenovo” trademark enjoys extremely prestigious fame thanks to sustaining and years of use, registrations and promotion around the world. The Complainant has been investing a considerable amount of resources and manpower in promoting its Lenovo brand. For example:

- ▶ Lenovo became China’s first global partner of the International Olympic Committee (IOC) in 2004;
- ▶ As a global sponsor of the IOC, Lenovo Group rendered equipment, financial and technical supports to 2006 Torino Olympic Winter Games;
- ▶ The Complainant sponsored 2008 Beijing Olympic Games, through which its Lenovo brand became much better known to the whole world;
- ▶ The Complainant became the senior sponsor of 2010 Shanghai Expo.

In a word, the Complainant’s Lenovo has become a household brand around the world and shall be granted stronger and more forceful protection.

The domain name at issue is confusingly similar to the Complainant’s well-known trademark “Lenovo” . With respect to the disputed domain names, “.com” is a generic Top-Level Domain and the identifying part is “onlinelenovo” which should be visually and conceptually divided into two parts “online” and “lenovo”. While “online” as a non-distinctive word is widely used in the Internet age such as “online database, online shopping, online reading”, “lenovo” is the only inherently distinctive and the most eye-catching word in the identifying part of the disputed domain name. As such, given the fame of the Complainant’s “lenovo” trademark, the public, esp. those buyers of Complainant’s lenovo-branded products, will be easily misled to believe that the disputed domain name is closely associated with the Complainant or related to the Complainant in a certain way.

As a matter of fact, the Respondent has been operating the website www.onlinelenovo.com distributing various digital products. Today when online shopping and sales become increasingly popular with the public and have evolved as an indispensable way of life, the public will easily believe that the website www.onlinelenovo.com must be an official website of the Complainant or it is closely related to the Complainant. So it is safe to conclude that the domain name at issue will cause confusion among the public and is confusingly

similar to the Complainant's "Lenovo" trademark. Its use and registration will inevitably harm the legitimate rights and interests on the Complainant.

(2) The Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Complainant has never authorized nor licensed the Respondent to use Lenovo trademark, so the Respondent has no rights or interests to the domain name at issue.

(3) The Respondent had obvious bad faith in registering and using the disputed domain name.

"Lenovo" is a highly creative trademark coined by the Complainant, among which "le-" was originated from the Complainant's previous trademark "Legend", "-novo" as a Latin suffix means "innovation" which is the essence of the Complainant and its Lenovo brand. On account of long-term use, registrations and promotion, "Lenovo" has acquired extremely high fame and reputation around the world before the registration date of the disputed domain name. Given the extremely high fame of "Lenovo" trademark, the public have solely associated "Lenovo" with the Complainant.

It is by no means accidental that the disputed domain name contains such a highly distinctive word "lenovo" coined by the Complainant and its famous brand "Lenovo". Evidently, the Respondent must have been aware of the Complainant and its "Lenovo" trademark when registering the disputed domain name, so the registration of the disputed domain name itself suffices to prove the bad faith of the Respondent.

Furthermore, in the website "www.onlinelenovo.com" operated by the Respondent, "Lenovo"s are extensively and prominently used. For instance, the logo of the website is composed of the words "Online/Lenovo/Store" and a device, with "Online" and "Lenovo" intentionally divided into two parallel lines. Also, many "Lenovo"-branded computers and other digital products are being sold through the website. Obviously, the Respondent, fully aware of the Complainant and its trademark "Lenovo", intended to take free ride of the high fame of the Complainant and its trademark for illegal gains. So the Respondent had obvious bad faith in registering or using the disputed domain name.

The Complainant requests the disputed domain name "onlinelenovo.com" be transferred to the Complainant.

For the Respondent

The Respondent did not submit a response.

4. Findings

Expiry Date of Disputed Domain Name

According to the record in the Whois database, the disputed domain name “onlinelenovo.com” was registered by the Respondent on 18 July 2011 and expired on 18 July 2012. Since the Complaint was filed to the Centre on 18 July 2012 and the Centre forwarded the Complaint to the Registrar of the disputed domain name immediately after receiving the Complaint, the disputed domain name was effectively locked up by the Registrar from then on. On 21 July 2012, the Registrar confirmed the registration information of the disputed domain name, which reaffirms that the Respondent is the holder of the disputed domain name all through the proceeding of dispute resolution.

Identity or Confusing Similarity

Pursuant to the Policy, paragraph 4(a)(i), a complainant must prove that the domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights. In line with such requirement, a complainant must prove its trademark rights and the similarity between the disputed domain name and its trademark.

The Panel notes that the trademark “LENOVO” had been registered by the Complainant primarily on computer and peripheral products in China as early as 2004. The Complainant therefore enjoys the exclusive trademark rights therein.

The disputed domain name is “onlinelenovo.com”. Apart from the generic top-level domain suffix “.com”, the disputed domain name consists of “onlinelenovo”, which apparently consists of “online” and “lenovo”, the former of which is a generic term while the latter is identical with the Complainant’s registered trademark. The Panel finds that addition of a generic word “online”, which is relevant to the Complainant’s business on the Internet, does not make the disputed domain name substantively distinct from the Complainant’s trademark “LENOVO”.

Therefore, the Panel rules that the disputed domain name “onlinelenovo.com” is

confusingly similar to the Complainant's registered trademark "LENOVO". Accordingly, the Complainant has proven the first element required by paragraph 4(a) of the Policy.

Rights or Legitimate Interests of the Respondent

The Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name and, as stated above, the Respondent did not provide any information to the Panel asserting any right or legitimate interest it may have in the disputed domain name.

The Complainant proves that the Respondent does not have any trademark registration in China and confirms that the Respondent has no connection with the Complainant or its business. Paragraph 4(c) of the Policy lists a number of circumstances which can be taken to demonstrate a respondent's rights or legitimate interests in a domain name. However, there is no evidence before the Panel that any of the situations described in paragraph 4(c) of the Policy apply here. To the contrary, the lack of a Response leads the Panel to draw a negative inference.

Therefore, and also in light of the Panel's findings below, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name "onlinelevono.com". Accordingly, the Complainant has proven the second element required by paragraph 4(a) of the Policy.

Bad Faith

The Complainant contends that the Respondent had bad faith. The Respondent did not respond.

The evidence submitted by the Complainant shows that "LENOVO" is a distinctive mark designed by the Complainant and has acquired considerable reputation and recognition in the Chinese information and communication products market through consistent use for 8 years. The Respondent, however, labels the website of disputed domain name "www.onlinelenovo.com" "Online Lenovo Store" and publicly offers to sell a variety of computer products in different brands. The Respondent did not contend the Complainant's above-mentioned submissions.

Based on the evidence available, the Panel finds that the Respondent registered and is using the disputed domain name that is confusingly similar to the Complainant's trademark to intentionally attract, for commercial gain, Internet

users to the website “www.onlinelevono.com” by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website or of the products on that website. The Panel therefore rules that this is adequate to conclude that the Respondent has bad faith under the Policy, paragraph 4(b)(iv).

As a result, the Complainant has successfully proven the third element required by paragraph 4(a) of the Policy.

5. Decision

For all the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name “onlinelevono.com” be transferred to the Complainant Lenovo (Beijing) Limited.

Panelist: 薛虹

Dated: 11 September 2012