



Asian Domain Name Dispute Resolution Centre

hong kong

(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-1300540
Complainant:	Underwriters Laboratories Inc.
Respondent:	Ji xiangpeng/ jixiangpeng
Disputed Domain Name(s):	<ulstandards.org>

1. The Parties and Contested Domain Name

The Complainant is Underwriters Laboratories Inc., of the United States of America (hereinafter referred to as “Complainant”).

The Respondent is ji xiangpeng/ jixiangpeng, of langmaoshan5qu10haolou3danyuan302, Shangdong 250012, China (hereinafter referred to as “Respondent”).

The domain name at issue is <ulstandards.org>, registered by Respondent with Name.com, LLC P.O. Box 6197, Denver, CO, 80206, United States of America, (hereinafter referred to as the “Registrar”). Complaint, Annex 1.

2. Procedural History

On 27 August 2013 Complainant filed the Complaint in this matter concerning the domain name at issue. On that same date The Asian Domain Name Dispute Resolution Centre (hereinafter referred to as the “Centre”) notified the Registrar of the filing of the complaint and requested that the Registrar confirm that the domain name at issue was registered with the Registrar, that the identified Respondent is the registrant of the domain name, and that the Registrar had received a copy of the Complaint. Also on that same date the Centre sent the Complainant an Acknowledgement of Receipt of Complaint. On 28 August 2013 the Registrar notified the Centre that the domain name at issue had been registered to the identified Respondent, that the language of the registration agreement was English, and that the Registrar had received a copy of the Complaint. On 30 August 2013, the Centre notified Complainant that the certification process of the Complaint had begun. On that same date, Complainant confirmed to the Centre that a copy of the Complaint had been sent to Respondent.

On 2 September, 2013, the certification process having been completed, the Centre transmitted to Respondent a Notice of the Complaint together an additional copy of the Complaint and the annexes thereto. In that Notice the Centre informed Respondent that the Response to the Complaint was due no later than 22 September 2013. On 24 September 2013, not having

received a Response to the Complaint, the Centre notified the parties of the Respondent's default.

On 30 September 2013 the Centre appointed M. Scott Donahey as the sole panelist in conformity with the Policy and the Rules. On that same date the Centre transferred the file to the panel. As the registration agreement is in the English language, the Panel finds that the language of the proceedings is English. Uniform Rules, Rule 7(a).

3. Factual background

Complainant was originally established in 1894 and is headquartered in the United States of America. Complainant is an independent safety consulting and certification company. The Complainant has more than a century of expertise innovating safety solutions, from the public adoption of electricity to new breakthroughs in sustainability, renewable energy and nanotechnology. The Complainant provides safety-related certification, validation, testing, inspection, auditing, advertising and training services to a diverse array of stakeholders, including manufacturers, in order to optimize their supply chains, retailers, providing inspections and audits, and to industry generally, providing standards that create level playing fields. Its key businesses include product safety, verification services, life and health, knowledge services, and environmental concerns.

In 2012, Complainant evaluated 20,104 types of products and nearly 22 billion UL marks were used on various products, in order to establish uniform safety standards. Nearly one billion consumers were reached with safety messages in Asia, Europe and North America.

As one of the global leaders in the industry, Complainant has participated in the safety analysis of many new technologies, most notably the public adoption of electricity and the drafting of safety standards for electrical devices and components. Complainant has invested substantial resources in developing standards including life safety standards, sustainability standards, standards for electrical and electronic products, standards for industrial control equipment, standards for plastic materials, and standards for wire and cable. Complainant possesses copyrights for all of these UL standards.

Complainant is the registrant of numerous trademarks around the world, including the famous UL mark, which has been registered in many countries, including the United States and China.

Respondent registered the domain name <ulstandards.org> on 2 May 2012, long after the vast majority of Complainant's UL marks had been registered. Complaint, Annexes 2 and 4 – 7.

The domain name resolves to a web site at which Complainant's famous UL trademark is displayed prominently and at which 13,464 copies of pirated standards developed and copyrighted by Complainant are offered for sale. Complaint, Annex 3.

4. Parties' Contentions

A. Complainant

The Complainant's contentions may be summarized as follows:

Complainant contends that the domain name at issue is confusingly similar to its famous UL mark, that Respondent has no rights or legitimate interests in respect of the domain name at issue, and that Respondent has registered and is using the domain name at issue in bad faith.

B. Respondent

The Respondent has failed to respond to the allegations of the Complainant.

5. Findings

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 must be 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

Complainant is the registrant of the famous UL trademark, known throughout the world, and whose application for registrations of the marks in China date at least to October 1998. The domain name at issue consists of Complainant's famous UL trademark plus the addition of the word "standards," which is descriptive of one of the products offered by Complainant.

Cases interpreting the UDRP have long held that the addition of a product name to a trademark in a domain name is confusingly similar to the trademark. *Gateway, Inc. v. Bellgr, Inc.*, WIPO Case No. D2000-0129 (product description "lamps" added to trademark EAUTO). Accordingly, the Panel finds that the domain name at issue is confusingly similar to Complainant's UL mark.

B) Rights and Legitimate Interests

The consensus view of WIPO panelists concerning the burden of a complainant to rebut rights or legitimate interests in respect of the domain name is as follows:

While the overall burden of proof rests with the complainant, panels have recognized that this could result in the often impossible task of proving a negative, requiring information that is often primarily within the knowledge of the respondent. Therefore a complainant is required to make out an initial *prima facie* case that the respondent lacks rights or legitimate interests. Once such *prima facie* case is made, respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such appropriate allegations or evidence, a complainant is generally deemed to have satisfied paragraph 4(a)(ii) of the UDRP.

WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Second Edition ("WIPO Overview, 2.0"), Section 2.1.

As there are WIPO panelists among the panelists in the ADNDRC, and as there are ADNDRC panelists among the panelists in WIPO, as this panelist is a member of both panels, and as all

panelists are interpreting the same Rules and Policy, this panelist believes that the consensus view of WIPO panelists is equally applicable at the ADNDRC.

In the present case the Complainant alleges that Respondent has no rights or legitimate interests in respect of the domain name and Respondent has failed to assert any such rights. Accordingly, the Panel finds that Respondent has no rights or legitimate interests in respect of the domain name at issue.

C) Bad Faith

Respondent is using the domain name at issue to resolve to a web site on which pirated copies of Complainant's trademarked standards products are offered for sale and on which site Complainant's famous UL trademark is prominently and repeatedly featured. This comes squarely within one of the four non-exclusive examples of bad faith registration and use set forth in the Policy. Policy, paragraph 4,b,(iv). Accordingly, the Panel finds that Respondent has registered and is using the domain name at issue in bad faith.

6. 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 name <ulstandards.org> be transferred to the Complainant.

M. Scott Donahey
Panelist

Dated: 1 October 2013