



Asian Domain Name Dispute Resolution Centre

hongkong

(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No: HK-18010176
Complainant: Amazon Technologies, Inc.
Respondent: HAN Jiahua
Disputed Domain Name: < sokindle.com >

1. The Parties and Contested Domain Name

The Complainant is Amazon Technologies, Inc of 410 Terry Avenue North, Seattle, Washington, 98109, USA.

The Respondent is HAN Jiahua of zhonguo zhejiang shaoxing, shaoxing, zhejiang, 312000, China.

The domain name at issue is <sokindle.com>, registered by the Respondent with GoDaddy.com, LLC.

2. Procedural History

The complaint filed by the Complainant on 12 October, 2018 is made against the Respondent at the Hong Kong International Arbitration Centre (HKIAC), the Hong Kong Office of the Asian Domain Name Dispute Resolution Centre (ADNDRC), pursuant to the Uniform Domain Name Dispute Resolution Policy (UDRP), approved by the Internet Corporation for Assigned Names and Numbers (ICANN) on 24 October, 1999, the Rules for UDRP approved by the ICANN Board of Directors on 28 September, 2013 (the Rules) and the ADNDRC Supplemental Rules for UDRP effective from 31 July, 2015 (the Supplemental Rules).

The UDRP is incorporated by reference into the Respondent's Registration Agreement with the Registrar of the Respondent's disputed domain, in accordance with which the Respondent is required to submit to and participate in a mandatory administrative proceeding in the event that a third party (a complainant) submits a complaint to a dispute

resolution service provider, such as the ANDRC, concerning a domain name that the Respondent has registered.

The Registrar for the Disputed Domain Name <sokindle.com> is GoDaddy.com LLC.

In response to the HKIAC's notifications of 12 and 22 October, 2018, the Registrar confirms that the Respondent is the holder of the Disputed Domain Name, the UDRP is applicable and provides the WHOIS information of the Disputed Domain Name.

The Complainant in these proceedings is: Amazon Technologies, Inc. Its place of registration and principal place of business are in the United States. The authorized representative of the Complainant in these proceedings is: Ray Jiang at Chang Tsi & Partners (Shanghai).

The Respondent in these proceedings is Han Jiabua. He/She is named based on the Whois record of the Disputed Domain Name.

After completing its preliminary examination of the statement of complaint filed by the Complainant and is satisfied it has complied with the formal requirements on statement of complaints under the UDRP, the HKIAC transmitted to the Respondent on 8 November, 2018 a proceedings commencement notice and a copy of the confirmed statement of complaint. According to Paragraph 5 of the Rules, the Respondent shall submit a response to the Hong Kong Office of the ANDRC within 20 days from 8 November, 2018 ie on or before 27 November, 2018 from the formal commencement of the proceedings.

Having received no response from the Respondent, the HKIAC transmitted to the Complainant's authorized representative a notification of the Respondent's default on 28 November, 2018.

The Complainant requests that the HKIAC to resolve the dispute before a single-member Panel. In accordance with the UDRP, the Rules and the Supplemental Rules, the HKIAC confirms the appointment of Mr Peter Cheung as a single-member Panel on 4 December, 2018.

3. Factual Background

The Complainant is a company incorporated in the United States and has its principal place of business there. The "Complainant" or "Amazon" in this case refers to Amazon Technologies, Inc. and its licensees and predecessors in interest, including but not limited to Amazon.com, Inc. Amazon.com opened on the World Wide Web in July, 1995 and has become one of the world's largest online retailers, offering products and services to more than 100 countries around the globe. *See Exhibit 2.*

Amazon produces "Kindle" an immensely popular electronic reading device which is used to view digital books sold through Amazon's online retail stores. The original Kindle, featuring an "e-ink" screen that was easy to read even in direct sunlight, was released on 19 November, 2007. CNN described the Kindle as having "the curves of a

Lamborghini”; Popular Mechanics gave it a “brightest innovation” award in 2008; Oprah Winfrey lauded it as her “new favorite thing;” and Martha Stewart declared that she was “totally hooked” on her KINDLE device. Today, several versions of the Kindle are available, including the Kindle, Kindle Paperwhite, Kindle Voyage and Kindle Oasis. Kindle e-readers are available in 175 countries, and millions of Kindle devices have been sold. Kindle e-readers come with instant access to the Kindle Store, which includes millions of books, newspapers and magazines, including the latest best sellers. Amazon’s Kindle Direct Publishing (KDP) service allows authors to publish their own books to the Kindle Store. See Exhibit 3.

The Complainant has registered its unique brand name KINDLE as trademarks collectively referred to as “KINDLE Marks” in more than 102 countries over the world. Copies of the Complainant’s representative registration certificates for KINDLE Marks in China and the U.S.A are at Exhibit 4. All of the trademark registrations included are valid, subsisting, with full force and effect. According to the *WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Second Ed.*, “If the complainant owns a trademark, then it generally satisfies the threshold requirement of having trademark rights”; “[t]he location of the trademark ... and the goods and/or services for which it is registered, are all irrelevant for the purpose of finding rights in a trademark under the first element of the UDRP.” See also *Renaissance Hotel Holdings, Inc. v. Renaissance Cochin*, FA0703000932344 (Nat. Arb. Forum Apr. 23, 2007) (holding that “it is sufficient that the complainant can demonstrate a mark in some jurisdiction”).

Moreover, through extensive use, advertising, media coverage and commercial success, the KINDLE Marks have become famous. See *Amazon Technologies, Inc. v. Gulati*, FA1604001671917 (Nat. Arb. Forum May 21, 2016) (finding that KINDLE is a famous mark); and *Amazon Technologies, Inc. v. Surjeet Singh*, FA1607001685229 (Nat. Arb. Forum Aug. 26, 2016) (referring to KINDLE as a “well-known trademark”). See Exhibit 5.

The Complainant provides the particulars of the following trademark registrations-

a. Trademark: KINDLE

Jurisdiction: U.S.A.

Registrant: AMAZON TECHNOLOGIES, INC.

Registration No.: 4289293

Registration Date: Feb.12, 2013

Class: 45

Goods/Services: Online social networking services; providing a website for the purpose of social networking; providing online computer databases and online searchable databases in the field of social networking.

b. Trademark: KINDLE

Jurisdiction: U.S.A.

Registrant: AMAZON TECHNOLOGIES, INC.

Registration No.: 3694267

Registration Date: Oct.6, 2009

Class: 9, 38 and 41

Goods/Services: Portable electronic device for receiving and reading text and images and sound through wireless internet access and for displaying electronically published materials, namely, books, journals, newspapers, magazines, multimedia presentations; computer hardware and software in the field of text, image and sound transmission and display.

c. Trademark: KINDLE

Jurisdiction: U.S.A.

Registrant: AMAZON TECHNOLOGIES, INC.

Registration No.: 4380471

Registration Date: Aug.6, 2013.

Class: 9, 35 and 42

Goods/Services: Cases, covers, and stands for electronic book readers; power adapters; USB cables; computer hardware; computer software development kit consisting of computer software development tools for the development of content and service delivery across global computer networks, wireless networks, and electronic communications networks; downloadable audio works, visual works, audiovisual works and electronic publications featuring books, magazines, newspapers, periodicals, newsletters, journals and manuals on a variety of topics; application development computer software programs; computer software for transmitting, sharing, receiving, downloading, displaying and transferring content, text, visual works, audio works, audiovisual works, literary works, data, files, documents and electronic works via portable electronic devices and computers; computer software for converting content, text, visual works, audio works, audiovisual works, literary works, data, files, documents and electronic works into a format compatible with portable electronic devices and computers; computer software enabling content, text, visual works, audio works, audiovisual works to be downloaded to and accessed on a computer or other portable consumer electronic device.

d. Trademark: KINDLE

Jurisdiction: U.S.A.

Registrant: AMAZON TECHNOLOGIES, INC.

Registration No.: 4932736

Registration Date: Apr.5, 2016

Class: 9, 35, 38, 41, 42 and 45

Goods/Services: Downloadable electronic publications in the nature of fiction and non-fiction, namely, books, magazines, brochures, pamphlets, newspapers, articles, manuals, newsletters, journals, workbooks, periodicals, and catalogs on a variety

of topics; downloadable audiobooks on a variety of topics; downloadable digital audio files featuring music, videos, text, graphics, and multimedia; software for text, image and sound transmission and display; downloadable electronic newsletters in the field of fiction and non-fiction books and entertainment; handheld mobile digital electronic device comprising a tablet computer, electronic book and periodical reader, digital audio and video player, electronic personal organizer, personal digital assistant, electronic calendar, capable of providing access to the internet and sending, receiving and storing messages and other data; stands specially designed for holding handheld computers and portable and handheld digital electronic devices in the nature of electronic book readers, digital and audio media players, tablet computers, and personal digital assistants (PDAS); battery chargers; electrical connectors, wires, cables, and adaptors; database synchronization software, computer programs for accessing, browsing and searching online databases; downloadable cloud computer software for use in electronic storage of data; cases specially adapted for holding or carrying portable electronic devices and accessories thereof in the nature of electronic book readers, digital and audio media players, tablet computers, and personal digital assistants (PDAS); downloadable computer software in the field of magazines, books, audiobooks, applications, games, cloud computing, and the internet, namely, downloadable computer software for transmitting, sharing, receiving downloading, displaying and transferring content, text, visual works, audio works, literary works, data, files, documents and electronic works.

e. Trademark: KINDLE

Jurisdiction: U.S.A.

Registrant: AMAZON TECHNOLOGIES, INC.

Registration No.: 5054865

Registration Date: Oct.04, 2016

Class: 36

Goods/Services: Insurance and warranty services, namely, providing extended warranties on computer hardware, computer peripherals, consumer electronic devices and computer software.

f. Trademark: KINDLE

Jurisdiction: U.S.A.

Registrant: AMAZON TECHNOLOGIES, INC.

Registration No.: 5146885

Registration Date: Feb.21, 2017

Class: 37

Goods/Services: Maintenance, repair, updating and installation services for computer hardware, computer peripherals, computer networking hardware and consumer electronic devices; consulting services in the field of physical maintenance of computer hardware, computer peripherals, computer networking

hardware and consumer electronic devices; technical support services, namely, troubleshooting in the nature of the repair of computer hardware.

g. Trademark: KINDLE

Jurisdiction: China

Registrant: AMAZON TECHNOLOGIES, INC.

Registration No.: 8497507

Registration Date: Mar. 21, 2012.

Class: 42

Goods/Services: Computer software design and development; computer software installation and maintenance; computer hardware consulting; computer software consulting; application procedures consulting; computer network consulting; computers consulting; computer programming; website hosting with computer software and hardware technical information; providing technical support for computer software errors, network failures, database failures or application failures; data conversion of different types of documents between computers; hosting websites with digital catalogs on global computer networks, wireless networks and electronic communications networks; hosting websites for computer users to transmit, hide, receive, download, stream, play, display, format, disseminate and share catalogs, text, video, audio, audiovisual and literary works, data, documents, documents and electronic works; providing technical advice (hardware consulting); building computer websites for users to access and share directories, text, video, audio, audiovisual and literary works, data, documents, documents and electronic works; hosting websites for users to access and share directories, texts, videos, audio, audiovisual and literary works, data, documents, documents and electronic works; providing Internet search engine for users to make requests and receive catalogs, text, video, audio, audiovisual and literary works, data, documents, documents, and electronic works; providing temporary use (rental) of computer software for users to access and download; providing temporary use (rental) of online equipment for users to access and download computer software; design of online non-download computer software (based on user priority recommendations generated by the application software customization service).

h. Trademark: KINDLE

Jurisdiction: China

Registrant: AMAZON TECHNOLOGIES, INC.

Registration No.: 8497841

Registration Date: Dec. 14, 2013.

Class: 35

Goods/Services: Promoting downloadable audio, video, audiovisual works, computer software and electronic publications such as books, magazines, newspapers, periodicals, newsletters, journals and brochures on a variety of subjects for others through global computer networks, wireless networks and

electronic communication networks; promoting downloadable audio, video, audiovisual works, computer software and electronic publications such as books, magazines, newspapers, periodicals, newsletters, journals and brochures on a variety of subjects for others that can be used on portable electronic devices.

i. Trademark: KINDLE

Jurisdiction: China

Registrant: AMAZON TECHNOLOGIES, INC.

Registration No.: 8497821

Registration Date: May 07, 2014.

Class: 9

Goods/Services: Electronic reader covers and racks; computer hardware; downloadable audio, video, audiovisual works and electronic publications of various subjects like books, magazines, newspapers, periodicals, briefings, journals and manuals; application development computer software programs, recorded computer software (used to transmit, share, receive, download, display and transmit text, video, audio, audio-visual, literature, data, documents and documents, and other electronic works through computer or portable electronic devices), recorded computer software (which can catalog, text, audio, audiovisual, literature, data, electronic works such as documents and documents are formatted and converted into compatible formats for computer or portable electronic devices, recorded computer software (which can be downloaded or accessed from electronic works such as catalogs, text, video, audio, audiovisual, literature, data, documents and documents, or on computers or other portable electronic products), the special shell for e-book readers, development of computer software (recorded) for the transmission of content and services through global computer networks, wireless networks and electronic communication networks, and the development of computer peripherals for the transmission of content and services through global computer networks, wireless networks and electronic communication networks.

j. Trademark: KINDLE

Jurisdiction: China

Registrant: AMAZON TECHNOLOGIES, INC.

Registration No.: 5678753

Registration Date: Aug. 28, 2009.

Class: 9

Goods/Services: Portable electronic device that receives and reads text, images and sound information via wireless internet connection; display equipment for electronic publication including electronic books, periodicals, magazines, newspapers and multimedia presentations; computer software for transmitting and displaying text, image and sound; computer hardware equipment for transmitting and displaying text, image and sound; computer peripherals for transmitting and displaying text, image and sound.

4. Parties' Contentions

A. The Complainant

The Complainant has made the following contentions:

The domain name is identical with or confusingly similar to a trademark or service mark in which the Complainant has rights

- i. The Complainant relies on its registered trade mark rights. It has come to the attention of the Complainant that the Respondent registered and has been using the disputed domain "SOKINDLE.COM" for website (at www.sokindle.com) and WeChat (ID: SoKindle) since 2016. The disputed domain name contains the full KINDLE Mark and is used to promote the Respondent's service of conveying downloadable e-resources to Kindle devices, which is in direct conflict with the goods and service where the Complainant has exclusive trademark rights of KINDLE Marks. The Complainant is very concerned that the disputed domain would cause confusion to the source of service provided by the Respondent and even mislead the consuming public to believe the Respondent is affiliated with the Complainant. The Complainant believes the Respondent's use of the disputed domain name can constitute both trademark infringement and unfair competition against the Complainant. Because of the Respondent's reference to the Complainant's Kindle devices when providing their services, their adding a "So" before "Kindle" in the disputed domain name could hardly relieve the likelihood of confusion between the Respondent's service and the Complainant's KINDLE branded service. Even when the Respondent opens a new brand "Sobooks" later, it reserves the use of "Sokindle" and still makes use of the Complainant's KINDLE brand reputation. A copy of the notarial deed preserving the evidence of the Respondent's use of the disputed domain is at Exhibit 6.

The Respondent has no rights or legitimate interests in respect of the domain that is the subject of the complaint

- ii. The disputed domain name was registered by the Respondent on May 15, 2016, which is much later than the date when the business reputation of the Complainant's KINDLE Marks is well established. A copy of the WHOIS printout of the disputed domain name is at Exhibit 1.

There is no record that the Respondent has applied to register any trademarks related to the disputed domain name. A copy of the printout of a trademark search to the Respondent through the CTMO official website is at Exhibit 7. The Respondent is not affiliated with, licensed by, or shares any business link with the Complainant. The Respondent has not been given permission by the Complainant to use any marks identical with or similar to KINDLE Marks, and it is not in any way connected with the Complainant or its affiliates. According to *ICANN Rule 3(b)(ix)(2)* and *ICANN Policy ¶ 4(a)(ii)*, the Complainant believes the Respondent has no rights in respect of the disputed domain name.

Moreover, the Respondent's use of the domain name is confusingly similar to KINDLE Marks to promote an alternative e-book store is not a bona fide or otherwise legitimate use. See *Marvin Lumber and Cedar Company v. AI Chan*, FA1205001442493 (Nat. Arb. Forum June 7, 2012) (finding that selling products and services in direct competition with those that the Complainant offers is not a bona fide offering of goods or services nor a legitimate noncommercial or fair use); *Amazon Technologies, Inc. v. Tammy Caffey*, FA1408001576228 (Sept. 22, 2014) ("The at-issue domain name [kindlestore.com] addresses a website offering pay-per-click links referencing both services unrelated to the Complainant and services directly in competition with the Complainant. Appearing on the website are links such as 'eBooks from Chegg,' 'Download a Free Audiobook,' and 'Boingo Unlimited Wi-Fi.' Using the domain name in this manner is neither a bona fide offering of goods or services under Policy ¶ 4(c)(i), nor a legitimate noncommercial or fair use under Policy ¶ 4(c)(iii)"); *Amazon Technologies, Inc. v. Tom Lin*, FA1301001480702 (Nat. Arb. Forum Feb 26, 2013) (the Respondent's attempt to pass off as the Complainant is not a bona fide offering of goods or services nor a legitimate noncommercial or fair use under Policy ¶ 4(c)(i) or ¶ 4(c)(iii)") and *Nike, Inc. v. Dias*, FA 135016 (Nat. Arb. Forum, January 7, 2002) (finding no bona fide offering of goods or services where the Respondent used Complainant's mark without authorization to attract Internet users to its website). See Exhibit 8.

Based upon the precedents listed, the Complainant believes the Respondent has no rights or legitimate interests in the disputed domain name in this case.

The domain name has been registered and being used in bad faith

- iii. The Complainant submits that it is common to see from "the totality of circumstances" to determine whether the Respondent has bad faith in registering and using a domain name. See *Twentieth Century Fox Film Corp. v. David A .Risser*, FA93761 (Nat. Arb. Forum May 18, 2000), where the principle of "totality of circumstances" in determining bad faith in registration and use of the disputed domain name is established.

As (1) the disputed domain name fully contains KINDLE and is used for a business in conflict with the Complainant; (2) the Respondent as the registrant of the disputed domain and operator of related website refers to the Amazon Kindle devices when providing their services; and (3) registration of the disputed domain name is far later than the reputation of the Complainant's KINDLE Marks being established, the Complainant believes the Respondent has bad faith in registration and use of the disputed domain name from the very beginning. According to the case *Oly Holigan, L.P. v Private* FA95940 (Nat. Arb. Forum Dec. 4, 2000), (finding bad faith where the Respondent used the disputed domain name by "redirecting the Complainant's consumers and potential consumers to commercial websites with are not affiliated with" the Complainant), the likelihood of causing confusion among consumers of the Complainant is registration and use in bad faith.

In addition, the Complainant has sent a friendly letter to the Respondent a few months ago, to explain the Complainant's prior trademark rights and interests on KINDLE Marks and seek a possible settlement with the Respondent. See Exhibit 9. The Respondent claims for CNY 5 million to transfer the disputed domain name to the Complainant which is apparently an unreasonable price for a domain registered for unjustified purpose. Upon the Complainant's request, the Respondent stopped using the disputed domain name and changed "SOKINDLE" into "SOBOOKS" mark for a period of time. However, they are using the domain name "SOKINDLE.COM" and a sub-domain name. See Exhibit 11.

B. The Respondent

The Respondent HAN Jiahua is identified in the WHOIS search result of the domain name and ICP record of the related website. Copy of the WHOIS search of the domain name and ICP record of the website at issue is attached as Exhibit 1.

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

5. Findings

The UDRP provides at Paragraph 4 (a), that each of three findings must be made in order for a Complainant to prevail:

- (i) The Respondent's domain name is identical with or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) The Respondent has no rights or legitimate interests in respect of the domain name;
- (iii) The Respondent's domain name has been registered and is being used in bad faith.

The Panel takes the view that the Complainant and the Respondent shall bear the respective burden of proof for their own claims. With reference to the complaint and the Exhibits, the Panel of these proceedings considers that:

A. Identical / Confusingly Similar

The Complainant holds Chinese trade mark registrations, namely, no. 567853 dated 28 August, 2009 for the word mark KINDLE in class 9; no.8497507 dated 21 March, 2012 for the word mark KINDLE in class 42; no. 8497841 dated 14 December, 2013 for the word mark KINDLE in class 35; and no.8497821 dated 7 May, 2014 for the word mark KINDLE in class 9.

The Complainant also holds the KINDLE trade mark registrations in numerous countries worldwide.

The Disputed Domain Name <sokindle.com> registered by the Respondent on 15 May, 2016 contains wholly the Complainant's KINDLE trade mark. The addition of the generic word "So" as a prefix ie to such a great extent, or to the

same extent, or therefore, or in order that, cannot convey a particular message. And even if it can, it is laudatory by nature and is therefore devoid of any distinctive character. Thus the adverb or conjunction of “so” does not serve to distinguish the Disputed Domain Name from the Complainant’s KINDLE trade mark. It does not mitigate the risk of confusion arising but rather increases the likelihood of confusion and suggests that the Disputed Domain Name is associated with or registered to the Complainant. The term “KINDLE” remains the dominant feature of the Disputed Domain Name.

The Complainant’s trade mark rights to KINDLE have previously been established in two UDRP decisions. The Panel takes the view that the Disputed Domain Name <sokindle.com> is confusingly similar to the Complainant’s KINDLE name or mark.

The Panel also acknowledges that through extensive use, advertising, media coverage and commercial success, the Complainant’s KINDLE name or mark has become well-known, having civil rights and interests in United States, China and globally, such that it is recognized by the relevant sector of the public as distinctive of the Complainant’s goods and services.

Accordingly, the Panel rules that the Disputed Domain Name is confusingly similar to the Complainant’s name or mark in which it has civil rights and interests. The Panel concludes that the Complainant’s complaint of the Disputed Domain Name under Paragraph 4a (i) of the UDRP is substantiated.

B. Rights and Legitimate Interests

Paragraph 4c of the UDRP provides that any of the following circumstances, if found by the Panel to be proved based on its evaluation of all evidence presented, shall demonstrate the disputed domain holder’s rights or legitimate interests-

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

The Panel takes the view that as the Complainant has made a prima facie case, the Respondent should be considered as having no rights or legitimate interests in the Disputed Domain Name and it is incumbent on the Respondent to come forward with concrete evidence rebutting the assertion because the information is uniquely within the knowledge and control of the Respondent.

As the Respondent (1) is not affiliated with, licensed by, or shares any business link with the Complainant, (2) has not been given permission by the Complainant to use any marks identical with or similar to KINDLE Marks, and (3) is not in any way connected with the Complainant or its affiliates, the Panel accepts the Complainant's assertion that the Respondent has no rights in respect of the Disputed Domain Name.

There is no evidence suggesting that the Respondent is commonly known by the Disputed Domain Name. Although it has used the Disputed Domain Name, it is not in connection with bona fide offering of any licensed goods or services from the trademark proprietor ie the Complainant.

The Panel takes the view that the registration of the Disputed Domain Name, which is administrative in nature does not of itself confer upon the registrant rights or legitimate interests in it, or all registrants would have such rights or interests and no complainant could succeed on a claim of abusive registration.

The Panel's accepts the Complainant's contention that the Respondent's use of the domain name is confusingly similar to KINDLE Marks to promote an alternative e-book store is not a bona fide or otherwise legitimate use, as selling goods or services in direct competition with those that the Complainant offers is not a legitimate noncommercial or fair use.

Accordingly, the Panel rules that the Respondent as holder of Disputed Domain Name has no rights or legitimate interests in respect of the Disputed Domain Name or a major part of it. The Panel concludes that the Complainant's complaint of the Disputed Domain Name under Paragraph 4a(ii) of the UDRP is substantiated.

C. Bad Faith

Paragraph 4b of the UDRP provides that any of the following circumstances may be the evidence of the registration and use of a domain name in bad faith:

- (i) Circumstances indicating that the holder has registered or acquired the domain name primarily for the purpose of selling, renting or otherwise transferring the domain name registration to the Complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the Complainant's documented out-of-pocket costs directly related to the domain name; or
- (ii) The holder has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the holder has engaged in a pattern of such conduct; or
- (iii) The holder has registered the domain name for the purpose of disrupting the business of a competitor; or

- (iv) By using the domain name, the holder has intentionally attempted to attract for commercial gain, Internet users to the disputed domain name holder's web site or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the holder's web site or location or of a product or service on the holder's web site or location.

The Panel finds that the Respondent has asked to settle the Disputed Domain for CNY 5 Million. The Respondent is clearly well versed in the value of the Disputed Domain Name and has the intention to profit from the Complainant by selling them back at an inflated price. The Respondent's registration of the Disputed Domain Name was of commercial gain and/or to potentially tarnish the Complainant's trademarks as well as to frustrate the business operation of the Complainant.

The Panel also finds that the Complainant's KINDLE trade mark registration predates the registration of the Disputed Domain Name by seven years in China. The Complainant has no association with the Respondent and has never authorized or licensed the Respondent to use its trade mark.

Furthermore, there is no evidence that the Respondent has been commonly known by the name comprised in the Disputed Domain Name. It is reasonable to infer that the Respondent has registered the Disputed Domain Name to attract and profit from Internet users seeking the Complainant. The Panel takes the view that such use of the Disputed Domain Name cannot be said to be "bona fide".

Having considered all the circumstances, the Panel takes the view that the Disputed Domain Name has been registered in bad faith, taking unfair advantage of and was unfairly detrimental to the Complainant's rights, damaging the Complainant's reputation, disrupting the Complainant's normal business operation or creating confusion between the Respondent and the Complainant to mislead the public.

Accordingly, the Panel rules that the Respondent as holder of the Disputed Domain Name has registered or has been using the Disputed Domain Name in bad faith. The Panel concludes that the Complainant's complaint of the Disputed Domain Name under Paragraph 4a(iii) of the UDRP is substantiated.

6. Decision

For the foregoing reasons, in accordance with Paragraph 8 of the UDRP, the Panel orders that the Disputed Domain Name <sokindle.com> be transferred to the Complainant.

Sole Panelist: Peter Cheung

Date: 17 December, 2018