



## ADMINISTRATIVE PANEL DECISION

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<b>Case No.:</b>	<b>HK-2101502</b>
<b>1<sup>st</sup> Complainant:</b>	<b>BB IN Technology Co., Ltd</b>
<b>2<sup>nd</sup> Complainant:</b>	<b>YANG, JEN-CHIEH (楊仁傑)</b>
<b>Respondent:</b>	<b>Tian long</b>
<b>Disputed Domain Names:</b>	<b>&lt;bbinpti.com&gt;, &lt;bbing8.com&gt;, &lt;bbinof.com&gt;, &lt;bbin78.com&gt;, and &lt;bbin-bbs.com&gt;.</b>

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### 1. The Parties and Contested Domain Names

The 1st Complainant is BB IN Technology Co., Ltd of 60 Market Square, P.O. Box 364, Belize City, Belize.

The 2nd Complainant is YANG, JEN-CHIEH (楊仁傑), CEO of BB IN Technology Co., Ltd.

The Respondent is Tian long. Address: province she county town of west to east village, He bei, Hebei, China 056400. Tel no +86.1319899105. Email [tianlong296@gmail.com](mailto:tianlong296@gmail.com).

The domain names at issue are <bbinpti.com>, <bbing8.com>, <bbinof.com>, <bbin78.com>, and <bbin-bbs.com>, registered by the Respondent with PDR Ltd. d/b/a/ PublicDomainRegistry.com, 501, IT Building No 3, NESCO IT Park, NESCO Complex, Western Express Highway, Goregaon (East), Mumbai – 400063 Maharashtra, India. Email: [abuse\\_contact@publicdomainregistry.com](mailto:abuse_contact@publicdomainregistry.com). Tel. No: +1-20137759.

### 2. Procedural History

On 21 July, 2021, the Complainant’s authorized representative, Hogan Lovells, 11/F, One Pacific Place, 88 Queensway, Hong Kong. Tel No: (852) 2219 0888. Fax No: (852) 2219 0222. Email: [eugene.low@hoganlovells.com](mailto:eugene.low@hoganlovells.com) submitted the Complaint with Annexes against the Respondent’s registrations of the disputed domain names <bbinpti.com>, <bbing8.com>, <bbinof.com>, <bbin78.com>, and <bbin-bbs.com> to the Hong Kong Office of the Asian Domain Name Dispute Resolution Centre (“ADNDRC”) (“Centre”), in accordance with the Uniform Domain Name Dispute Resolution Policy (“Policy”) adopted by the Internet Corporation for Assigned Names and Numbers (“ICANN”) on 24 October, 1999, the Rules for UDRP (“Rules”) approved by the ICANN Board of Directors on 28 September, 2013, and ADNDRC’s Supplemental Rules for UDRP (“Supplemental Rules”) effective from 31 July, 2015. The Complainants requested a single person panel.

In response to the Centre's emails of 21 & 28 July, 2021 to the Registrar, the Registrar responded on 28 July, 2021 to the Centre, confirming that:

- (1) the disputed domain names are being registered with the Registrar,
- (2) the Respondent is the current registrant or holder of the disputed domain names,
- (3) ICANN's UDRP Policy applies to the Complaint,
- (4) the language of the Registration Agreement of the disputed domain name is English,
- (5) the dates of the registrations were as follows-  
<bbinpti.com>: registration date: 27 August, 2014; expiration date: 27 August, 2021,  
<bbing8.com>: registration date: 26 August, 2014; expiration date: 26 August, 2021,  
<bbinof.com> : registration date: 21 August, 2014; expiration date: 21 August, 2021,  
<bbin78.com>: registration date: 26 August, 2014; expiration date: 26 August, 2021,  
<bbin-bbs.com>: registration date: 17 November, 2014; expiration date: 17 November, 2022.
- (6) the disputed domain names would not be transferred to another holder during the pending administrative proceeding for a period of 15 business days after such proceeding is concluded pursuant to paragraph 8 of UDRP, and
- (7) the relevant information of the disputed domain names from the Registrar's Whois database, including the particulars of the registrant Respondent.

On 31 July, 2021, the Centre notified the Complainants of the formal deficiency of their Complaint. On 5 August, 2021, the Complainants submitted to the Centre a rectified version of the Complaint which was accepted as administratively compliant by the Centre on 6 August, 2021.

On 6 August, 2021, the Centre sent to the Respondent a written notice, informing the Respondent, among others, that it had to submit a Response within 20 days i.e., on or before 26 August, 2021, in accordance with Article 5 of the Rules and the Supplemental Rules. On 27 August, 2021, the Centre notified the Parties of the Respondent's default.











On 27 August, 2021, the original Panelist was appointed. Upon further disclosure by the original Panelist to the Centre circumstances that could give rise to justifiable doubt as to his impartiality and independence, the Centre exercised its discretion to appoint a substitute Panelist in accordance with Article 7 of the Rules.





On 30 August, 2021, the Centre appointed Mr. Peter Cheung as the sole substitute Panelist in the present dispute, who confirmed that he was available to act impartially and independently between the Parties in this matter.

The Panel finds that the Administrative Panel was properly constituted and appointed in accordance with the Rules and the Supplemental Rules.

### **3. Factual background**

The Complaint is based on the rights of the Complainants in the trademark "bbin" (in various forms) ("Mark") which has been registered in Classes 41 and 42 in many jurisdictions including Taiwan, Mainland China, Hong Kong, Japan and Singapore. Copies of the relevant trademark certificates / official trademark records are provided as Annex B. The particulars of the said registrations are summarized as follows:

Mark	Jurisdiction	Registration No.	Registrant (Second Complainant)	Registration Date (date/month/year)	Goods/Services [For detailed specifications, please refer to Annex B]
	Hong Kong	302035890	楊仁傑	20-09-2011	<u>Class 42</u> Computer software development, etc.
	Hong Kong	303248343	楊仁傑	23-12-2014	<u>Class 41</u> Casino, entertainment, online games, etc.
	Hong Kong	303920058	楊仁傑	03-10-2016	<u>Class 41</u> Casino, entertainment, online games, etc.
	China	9987511	楊仁傑	07-04-2013	<u>Class 42</u> Computer programming, etc.
	China	16158219	楊仁傑	21-03-2016	<u>Class 41</u> Amusement parks; entertainment; providing amusement arcade services, etc.
	China	16158428	楊仁傑	21-03-2016	<u>Class 42</u> Computer software consultancy, server hosting, computer software design, computer programming, etc.
	Taiwan	01537666	楊仁傑	16-09-2012	<u>Class 42</u> Computer graphics, design, computer programming, etc.
	Taiwan	01711095	楊仁傑	01-06-2015	<u>Class 41</u> Casino, entertainment, online games, etc.
	Taiwan	01711146	楊仁傑	01-06-2015	<u>Class 42</u> Computer graphics, computer software design, computer programming, etc.
	Japan	5764174	楊仁傑	15-05-2015	<u>Class 41</u> Entertainment information, etc.

Mark	Jurisdiction	Registration No.	Registrant (Second Complainant)	Registration Date (date/month/year)	Goods/Services [For detailed specifications, please refer to Annex B]
	Japan	5777537	楊仁傑	10-07-2015	<u>Class 42</u> Computer software design, computer programming, etc.
	Japan	5953283	楊仁傑	09-06-2017	<u>Class 41</u> Entertainment information, etc.
	Japan	5953284	楊仁傑	09-06-2017	<u>Class 42</u> Computer software design, computer programming, etc.
	Singapore	T1113232C	YANG, JEN-CHIEH	23-09-2011	<u>Class 42</u> Computer software consultancy, computer software design, etc.
	Singapore	40201402784 Q	YANG, JEN-CHIEH	23-12-2014	<u>Class 41</u> Casino services, entertainment information, etc.

#### 4. Parties' Contentions

##### A. Complainants

The Complainants' contentions are as follows:

- i) **The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainants have rights:**

##### Background

The 1<sup>st</sup> Complainant is "BB IN Technology Co., Ltd". The 2<sup>nd</sup> Complainant is "YANG, JEN-CHIEH" ("楊仁傑" in Chinese) who is the CEO of the 1<sup>st</sup> Complainant. The 1<sup>st</sup> Complainant is the beneficial owner of the Mark and has authorised the 2<sup>nd</sup> Complainant to hold the aforesaid trademark registrations on its behalf. A copy of a letter of the 1<sup>st</sup> Complainant dated 25 July 2016 confirming the 2<sup>nd</sup> Complainant has been appointed as its CEO since August 2004 is provided as Annex D.

The 1<sup>st</sup> Complainant is a leading gaming software developer and supplier in Asia, with successful collaborations with more than 500 clients around the world. The 1<sup>st</sup> Complainant has been the beneficial owner of the domain name "bb-in.com" since 1 September 2005. The 1<sup>st</sup> Complainant licensed State Leader Co., Ltd. to hold the domain name "bb-in.com" on the 1<sup>st</sup> Complainant's behalf until April 2015, and has always used its official website [www.bb-](http://www.bb-)

in.com (“1<sup>st</sup> Complainant’s Website”) to promote its online gaming products. A copy of the WHOIS search on the domain name “bb-in.com” is provided as Annex E. Since the registrant’s details are not publicly available for data privacy reasons, a copy of the print-out of the 1<sup>st</sup> Complainant’s account registered with GoDaddy.com showing the 1<sup>st</sup> Complainant as the current registrant of the domain name “bb-in.com” is provided as Annex F.

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. Annually, more than 95% of the top Asian gaming operators attend the show. Website screenshots showing participation at G2E Asia by the Complainants’ “BBIN” group are provided as Annex G.

### ***Rights of the Complainants***

As mentioned above, the Complainants enjoy trademark rights under the Mark in many jurisdictions by way of trademark registrations of the Mark (in various forms) including in Taiwan, Mainland China, Hong Kong, Japan and Singapore. The Complainants have also built up a protectable goodwill in the Mark through active use of the Mark on the 1<sup>st</sup> Complainant’s Website and through other activities in Asia (e.g. participation at G2E Asia).

The Complainants would also like to draw the panelist’s attention to various domain name complaints filed by the Complainants: one example is Case Ref. ADNDRC (DCN-1600699) in respect of the domain name “bb-in.com.cn”, in which the panelist found that the Complainants have a relatively high reputation in Asia and that this “bbin” mark/name is distinctive and is a creative combination of “bb” and “in”.

More recently, in 2020, the panelists in three decisions (Case Ref. HK-2001382, HK-2001383 and HK-2001384) found that the Complainants’ “bbin” Mark is well-known in the field of gaming in Asia.

Moreover, the Complainants filed complaints with ADNDRC (Case No. HK-2001386) last year in respect of the domain names “bbin.com”, “bbin88.com”, “bbin77.com”, “bbin66.com”, “bbin33.com”, and “bbin22.com”, in which the panelist found that the Complainants have provided evidence that they commenced use of and have been using for a long time the trade mark “bbin” and own various trademark registrations in Taiwan and several countries in Asia as well. The panelist also considered that the inclusion of the numerals “77”, “66”, “33” and “22” does not distinguish the disputed domain names from the Complainants’ “bbin” Mark. The panelist ordered that the domain names “bbin.com”, “bbin88.com”, “bbin77.com”, “bbin66.com”, “bbin33.com” and “bbin22.com” be transferred to the Complainants.

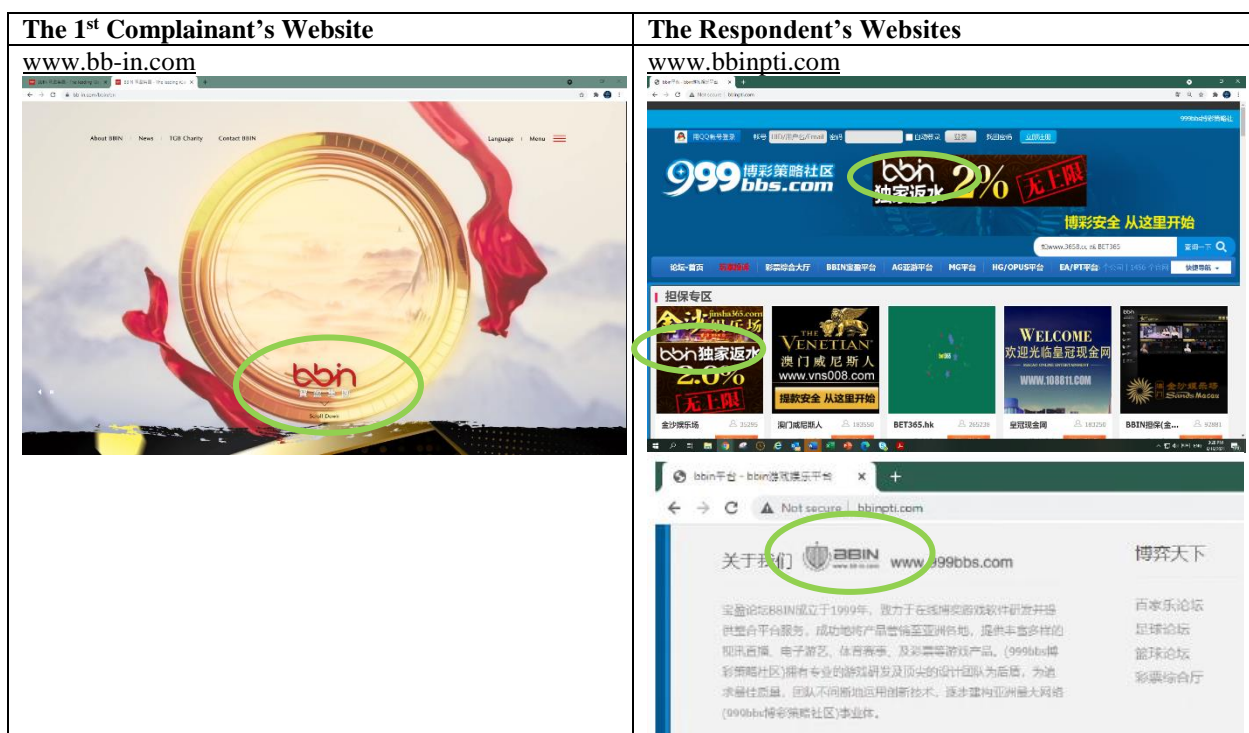
### ***Disputed Domain Names are identical or confusingly similar to the Complainants’ trade mark***

The distinguishing element of the Disputed Domain Names is “bbin”, which is identical to the “bbin” Mark in which the Complainants have rights. The first or last four letters of the Disputed Domain Names and the Complainants’ “bbin” Mark are identical and could be mistaken easily. Given the visual and aural similarities of the Disputed Domain Names and the Complainants’ official domain name “bb-in.com”, the Disputed Domain Names are very likely to mislead people into thinking that the Disputed Domain Names relate to the Complainants’ businesses.

The other parts of the Disputed Domain Names could not practically distinguish them from the Mark to reduce the likelihood of confusion.

The likelihood of confusion is further increased due to the following:

- 1) The domain name of the 1<sup>st</sup> Complainant's Website, "bb-in.com" is almost identical to the Disputed Domain Names.
- 2) The websites associated with the Disputed Domain Names ("Respondent's Websites") are either empty websites, websites with no substantive contents, or websites which feature the mark "bbin" in an identical or confusingly similar style as the Mark and are clearly set up as to imitate and pass off the 1<sup>st</sup> Complainant. As shown in the comparison below, the marks on many of the Respondent's Websites look identical to the Complainant's "bbin" Mark.





The 1<sup>st</sup> Complainant's Website

The Respondent's Websites

[www.bbing8.com](http://www.bbing8.com)

The screenshot shows the homepage of www.bbing8.com. At the top, there is a navigation bar with the text 'bbin官方网站' and '999 博彩策略社区 bbs.com'. A prominent banner features 'bbin 2% 独家返水' with a green circle around the 'bbin' logo and the '2%' text. Below the banner, there are several promotional tiles for '金沙娱乐场', 'VENETIAN', 'bet365', and 'WELCOME'. The '关于我们' (About Us) section is visible, featuring the BBIN logo and the website address 'www.999bbs.com', both of which are circled in green. The text in this section describes the company's history and services.

[www.bbinof.com](http://www.bbinof.com)

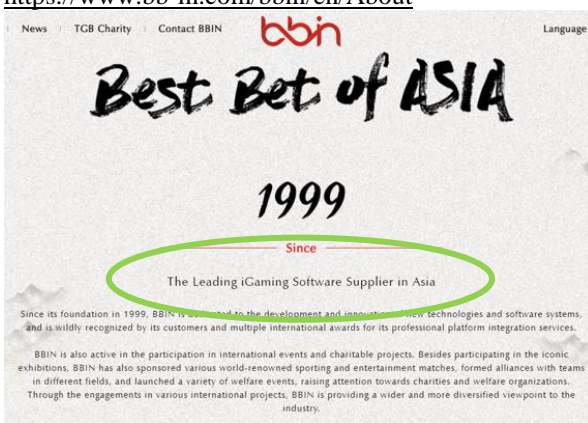


The screenshot shows the homepage of www.bbinof.com. The layout is very similar to the first website. The banner at the top features 'bbin 2.0% 天天返点' with a green circle around the 'bbin' logo and the '2.0%' text. The '关于我们' (About Us) section is also present, with the BBIN logo and 'www.999bbs.com' circled in green. The text in this section is identical to the one on the first website.

[bbin78.com](http://bbin78.com)

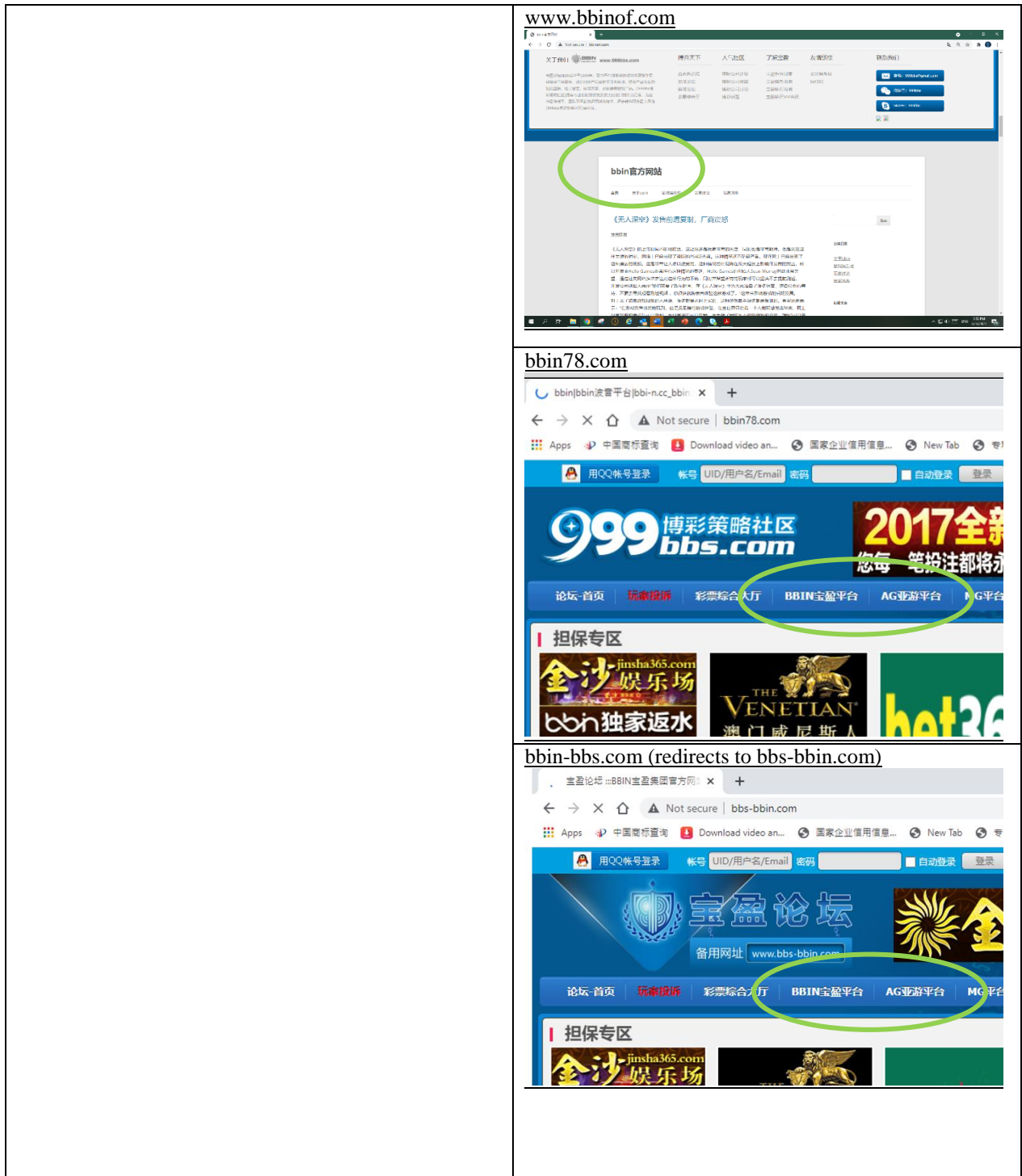
The screenshot shows the homepage of bbin78.com. The banner at the top features '2017全新VIP系统' with a green circle around the 'bbin' logo. The '关于我们' (About Us) section is visible, with the BBIN logo and 'www.999bbs.com' circled in green. The text in this section is identical to the one on the first website.

The 1 <sup>st</sup> Complainant's Website	The Respondent's Websites
	 <p>bbin-bbs.com (redirects to bbs-bbin.com)</p>

3) The Respondent's Websites present themselves as an online gaming platform which is identical or confusingly similar to the online gaming services provided by the 1<sup>st</sup> Complainant as shown in the 1<sup>st</sup> Complainant's profile below.

<p>The 1<sup>st</sup> Complainant's Website – "About BBIN" page  <a href="https://www.bb-in.com/bbin/en/About">https://www.bb-in.com/bbin/en/About</a></p>  <p>bbin  <b>Best Bet of ASIA</b>  <b>1999</b>      Since      The Leading iGaming Software Supplier in Asia</p> <p>Since its foundation in 1999, BBIN has been dedicated to the development and innovation of new technologies and software systems, and is widely recognized by its customers and multiple international awards for its professional platform integration services.</p> <p>BBIN is also active in the participation in international events and charitable projects. Besides participating in the iconic exhibitions, BBIN has also sponsored various world-renowned sporting and entertainment matches, formed alliances with teams in different fields, and launched a variety of welfare events, raising attention towards charities and welfare organizations. Through the engagements in various international projects, BBIN is providing a wider and more diversified viewpoint to the industry.</p>	<p><a href="http://www.bbinpti.com">www.bbinpti.com</a></p>  <p>bbin游戏娱乐平台</p> <p>打铁声不断，美国男篮热身赛依然胶战</p> <p><a href="http://www.bbing8.com">www.bbing8.com</a></p>  <p>网络博彩精准的游戏玩法</p>
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The relevant screenshots of the 1<sup>st</sup> Complainant's Website and the Respondent's Websites are provided as Annex H.

**ii) The Respondent has no rights or legitimate interests in respect of the Disputed Domain Names:**



The Respondent has no rights or legitimate interests in the Disputed Domain Names for the reasons below.



The Complainants have not authorised or licensed anyone to use or register any domain names consisting of their Mark “bbin” or “bb-in”.

Moreover, the Complainants’ legal representatives have conducted online trademark searches for Hong Kong, Mainland China, Taiwan, Japan and Singapore. The searches revealed that the owner of the trademark applications and registrations for the mark “bbin” is the 2<sup>nd</sup> Complainant. The search results are provided as Annex I. The search results for “Tian long” are provided as Annex I-1.

The registrant of the Disputed Domain Names is “Tian long”. The Complainants have no knowledge of the registrant. The Complainants have no reason to believe that the Respondent has any rights or legitimate interests in the Disputed Domain Names.

In addition, as illustrated under Ground 1 above, the Respondent’s Websites attempt to mislead customers into associating the Respondent’s Websites with the 1<sup>st</sup> Complainant’s Website. In particular, the Respondent’s Websites prominently feature stylised “bbin” marks in the form

of  and  which are clear imitations of the Complainants’ stylised “bbin”

Marks, i.e.  and , used on the 1<sup>st</sup> Complainant’s Website. Further, the Respondent’s Websites present themselves to be the official website of the 1<sup>st</sup> Complainant by stating the following in the “About Us” section:



(English translation of the above first sentence: BBIN, set up in 1999, develops online gaming software and provides an integrated platform. It provides live broadcasting, online gaming, sport events, lottery and other products across Asia.)

The Respondent is clearly using the Disputed Domain Names in bad faith (see Ground 3 below); as such, it cannot be said that the Respondent has any rights or legitimate interests in the Disputed Domain Names.

**iii) The Disputed Domain Names have been registered and are being used in bad faith:**



It is obvious that the Disputed Domain Names have been registered and are being used in bad faith, for the reasons below.

1) The Respondent was and is clearly aware of the Complainants, the Mark and the associated goodwill, which is evidenced by the following:





a. The Disputed Domain Names were registered in around 2014.

The Complainants were established in the year 1999. As mentioned above, the 1<sup>st</sup> Complainant has been the beneficial owner of the domain name “bb-in.com” since 1

September 2005. Furthermore, the Complainants’ Marks  and 

were registered in various jurisdictions as early as in 2011 (e.g.  and  were registered in the 2<sup>nd</sup> Complainant’s name in Hong Kong on 20 September 2011 and 23 December 2014 respectively).

b. The Respondent, who (based on the Respondent’s Websites) claims to be a provider of integrated platform services including provision of online games, must have been aware of the Complainants’ group which has been well-established in the Asian gaming industry since 1999.

c. The Respondent’s Websites feature the marks  and  which are clear imitations of the Complainants’ stylised “bbin” Marks  and  used on the 1<sup>st</sup> Complainant’s Website.

d. By registering these multiple Disputed Domain Names, the Respondent is clearly engaged in a pattern of hijacking the Complainants’ marks. According to the Complainants’ reverse WHOIS searches (please see Annex B), the email address tianlong296@gmail.com is or was associated with over 900 domain names, at least 23 of which contain the Complainants’ “bbin” Mark, including the Disputed Domain Names:

1. bbbin.org
2. bb-in000.com
3. bb-in111.com
4. bbin123.net
5. bbin123.org
6. bbin1.org
7. bb-in222.com
8. bb-in333.com

9. bb-in444.com
10. bb-in555.com
11. bb-in666.com
12. bbin78.com
13. bbin8.asia
14. bbin8.com
15. bbinbbs8.com
16. bbin-bbs.com
17. bbinji.com
18. bbinpp.com
19. bbinptt.com
20. bbinw8.com
21. bbinweb.com
22. bbs-bbin.com
23. ptbbin.com

It is clear that the Respondent (who the Complainants believe relate to the same person) has been involved in a pattern of cybersquatting conduct.

- 2) By the aforesaid reasons, it is apparent that the Respondent must have been aware of the Complainants' businesses and associated goodwill, and deliberately registered the Disputed Domain Names primarily for the purpose of disrupting the business of a competitor (i.e. the Complainants), and using the Disputed Domain Names in an attempt to attract, for commercial gain, Internet users to the Respondent's Websites, by creating a likelihood of confusion with the Mark. This is clear evidence of "bad faith" under Paragraph 4(b)(iii) and (iv) of the Uniform Domain Name Dispute Resolution Policy.

For the above reasons, the registration and use of the Disputed Domain Names is in bad faith.

Remedies sought:

In accordance with Paragraph 4(b)(i) of the Policy, for the reasons described in paragraph 8 above, the Complainants request the Panel appointed in this administrative proceeding to issue a decision that the Disputed Domain Names shall be transferred to the 1<sup>st</sup> Complainant, BB IN Technology Co., Ltd.

#### B. Respondent

The Respondent is Tian long. Address: province she county town of west to east village, He bei, Hebei, China 056400. Tel no +86.1319899105. Email: tianlong296@gmail.com

The Respondent did not file any Response in reply to the Complainant's contentions.

### 5. Findings

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

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

### **A) Identical / Confusingly Similar**

The Disputed Domain Names ie <bbinpti.com>,<bbing8.com>,<bbinof.com>,<bbin78.com>, and<bbin-bbs.com> respectively contain two elements: "bbin" and "pti", "bbin" and "g8", "bbin" and "of", "bbin" and "78", and "bbin" and "-bbs" and the generic top-level domain ".com"s. It is trite rule that the generic top-level domain name suffix ".com" is technical in nature, does not have any proprietary significance, cannot confer any distinctiveness and is incapable of differentiating the disputed domain name from others' proprietary rights, and as such, is disregarded under confusing similarity test. See para.1.11 of WIPO Jurisprudential Overview 3.0.

Trademarks are not case sensitive. The potential distinctive elements of the Disputed Domain Names are "bbin" or "pti", "bbin" or "g8", "bbin" or "of", "bbin" or "78", and "bbin" or "-bbs" respectively. The dominant parts are the letters "bbin". They are identical to the Complainants' "BBIN" trademarks. The additions of letters, numerals or a hyphen as in "pti", "g8", "of", "78", and "-bbs" respectively to the distinctive portions of the Disputed Domain Names do not draw a reasonable Internet user's attention away from the principal element of the Disputed Domain Names which is identical to the Complainants' "BBIN" trademarks, as they only indicate that the Disputed Domain Names are related to the respective descriptive terms. It is a well-established rule that the additions of descriptive terms do not negate confusing similarity but often tend to emphasize them, and are irrelevant to consider in the determination of Paragraph 4(a)(i) of UDRP. See para.1.7 of WIPO Jurisprudential Overview 3.0.

The Panel takes the view that considering the Disputed Domain Names as a whole respectively, the additions of the descriptive or non-distinctive letters, numerals or a hyphen as in "pti", "g8", "of", "78", and "-bbs" respectively after "bbin", are confusingly similar to the Complainants' "BBIN" trademarks. They do not confer to the whole of the respective marks any new meaning and do not dispel confusing similarity between the Disputed Domain Names as a whole respectively and the Complainants' proprietary trademarks.

The Panel takes the view that the additions of the descriptive or non-distinctive letters, numerals or a hyphen after "bbin" respectively further increase the likelihood of confusion due to the Complainants' notable presence in the field of online gaming in Asia, as the general public are likely to believe that the Disputed Domain Names relate to Complainants' online gaming services and would further divert Internet users away from the 1st Complainant's official website.

The Panel notes that the Complainants have demonstrated that they own the trademark registrations for the "BBIN" trademarks in Hong Kong (registration date: 20 September, 2011), in Singapore (registration date: 23 September, 2011), in Taiwan (registration date: 16 September, 2012), and in Mainland China (registration date: 7 April, 2013), well before the Respondent registered the Disputed Domain Names: <bbinpti.com> (registration date: 27 August, 2014), <bbing8.com> (registration date: 26 August, 2014), <bbinof.com> (registration date: 21 August, 2014), <bbin78.com> (registration date: 26 August, 2014), and <bbin-bbs.com> (registration date:

17 November, 2014). Given the established registered rights in the “BBIN” trademarks, and the above facts, the Panel finds that the Disputed Domain Names are either identical or confusingly similar to a trade mark in which the Complainant has rights, satisfying paragraph 4(a) (i) of UDRP.

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

The Panel also notes that the Respondent is not authorized by the Complainants to use their BBIN trademarks. The Disputed Domain Names are being used in connection with websites used by the Respondent in profit-making, commercial ventures under the trademark BBIN. The Panel takes that the view that such an unlicensed or unauthorized use of the Complainants’ trademark could never vest any right or legitimate interest in the Respondent.

As proving a negative is always difficult, it is a well-established rule that any Complainants’ burden of proof on this element is light. The Panel rules that there is *prima facie* evidence to support that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Names. It is up to the Respondent to discharge the evidential burden to prove it has rights or legitimate interests in respect of the Disputed Domain Names. See para.2.1 of WIPO Jurisprudential Overview 3.0.

The Respondent did not file any Response in reply to the Complainants’ contentions.

It is trite rule that the mere registrations of the Disputed Domain Names by the Respondent are not sufficient to establish that it owns rights and legitimate interests. Intellectual property infringement including passing off the goodwill and reputation of others are contrary to the object and purpose of UDRP and cannot derive any rights or legitimate interests.

The Panel takes notice that after widespread commercial use, the BBIN trademarks have acquired the recognition of the relevant sector of the public. The Complainants and the Respondent have no prior connection. The BBIN trademarks are not a term commonly used in the English language. Further, the Respondent has submitted no evidence to demonstrate that it has been commonly known by the Disputed Domain Names.

Nobody has any right to represent his or her goods or services as the goods or services of somebody else. The Complainants have not licensed or otherwise permitted the Respondent to use the Disputed Domain Names or use any domain names incorporating the dominant part of the Complainants’ registered trademarks. The Panel considers that there is no evidence that would tend to establish that the Respondent has rights to or legitimate interests in respect of the Disputed Domain Names.

The Panel draws the irresistible inference that the Respondent is not using the Disputed Domain Names on a non-commercial or fair use basis without intent to misleadingly divert the relevant sector of the public to its operation. On the contrary, the Respondent is using the Disputed Domain Names to tarnish the goodwill and reputation of the Complainants’ trademarks.

The Panel finds that the Respondent has no rights or legitimate interests in the Disputed Domain Names, satisfying paragraph 4 (a) (ii) of UDRP.

### **C) Bad Faith**



Paragraph 4 (b) (Evidence of Registration and Use in Bad Faith) of UDRP provides that for the purposes of Paragraph 4 (a) (iii), the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that you have registered or you have 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 your documented out-of-pocket costs directly related to the domain name; or*
- (ii) you have 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 you have engaged in a pattern of such conduct; or*
- (iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor, or*
- (iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your 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 your web site or location or of a product or service on your web site or location.*

The Panel takes notice that the 1<sup>st</sup> Complainant is a leading gaming software developer and supplier in Asia and its distinctive BBIN trademarks are well-known in the field of online gaming in Asia due to their long term and extensive use. On the other hand, the Respondent does not have any rights or legitimate interest in registering and/or using the Disputed Domain Names.

The Panel also notes that the Disputed Domain Names were registered as follows: <bbinpti.com> (registration date: 27 August, 2014), <bbing8.com> (registration date: 26 August, 2014), <bbinof.com> (registration date: 21 August, 2014), <bbin78.com> (registration date: 26 August, 2014), and <bbin-bbs.com> (registration date: 17 November, 2014). They contain the BBIN trademark in its entirety. Given the fame and reputation of the Complainants' BBIN trademarks in Asia including Mainland China, the Panel considers that it is virtually impossible for the Respondent to have selected the Disputed Domain Names without knowing them. The Respondent should have been well aware of the 1<sup>st</sup> Complainant and the BBIN trademarks prior to registrations, and the Panel accepts that the Disputed Domain Names have clearly been registered and are being used in bad faith.

According to the Complainants' reverse WHOIS searches, the email address tianlong296@gmail.com is or was associated with over 900 domain names, at least 23 of which contain the Complainants' "bbin" Mark, as follows: <bbbin.org>, <bb-in000.com>, <bb-in111.com>, <bbin123.net>, <bbin123.org>, <bbin1.org>, <bb-in222.com>, <bb-in333.com>, <bb-in444.com>, <bb-in555.com>, <bb-in666.com>, <bbin78.com>, <bbin8.asia>, <bbin8.com>, <bbinbbs8.com>, <bbin-bbs.com>, <bbinji.com>, <bbinpp.com>, <bbinptt.com>, <bbinw8.com>, <bbinweb.com>, <bbs-bbin.com> and <ptbbin.com>. The Panel takes the view that the list demonstrates that the Respondent has clearly engaged in a pattern of registering domain names in order to prevent the owner of the trade mark or service mark from reflecting the mark in the corresponding domain name and that the registrations of the Disputed Domain Names were in bad faith under para 4 (b) (ii). See para.3.1.2 of WIPO Jurisprudential Overview 3.0.

By registering and using the Disputed Domain Names, the Panel takes the view that the Respondent has prevented the Complainants from using their marks in the corresponding domain names, and disrupted the business of the Complainants. Worst still, it has also created confusion among the general public in respect of the relationship between the Respondent's websites and the 1<sup>st</sup> Complainant's. Such would further increase the likelihood of confusion since the activities featured on the Respondent's websites are closely related to the services offered by the Complainants, and/or confuse the public into thinking that the Respondent is a licensee or sponsor of the BBIN trademarks when in fact this is not the case. See para.3.1.3 of WIPO Jurisprudential Overview 3.0.

As no reasonable explanation was offered by the Respondent for its continued registrations and use of the Disputed Domain Names, the Panel infers that the Respondent has done so with the obvious intent to trade on the Complainant's goodwill in its BBIN trademarks, and lead Internet users into believing that the Disputed Domain Names and/or the Respondent's websites or the business and activities are associated with, endorsed or sponsored by the Complainants in some way, or that the Respondent's use of the Disputed Domain Names are authorized by the Complainants, or to attract Internet traffic by capitalizing on the association with the Complainants' BBIN trademarks, further keeping the Disputed Domain Names from being used by the Complainants. It is a trite rule that use of the Disputed Domain Names merely intended to divert the public to the Respondent's websites cannot be considered as a bona fide offering of goods and services. Accordingly, the Panel considers the Respondent's continued registrations and use of the Disputed Domain Names are clear acts of bad faith. See para.3.1.4 of WIPO Jurisprudential Overview 3.0.

It is trite rule that use which intentionally trades on the fame of another cannot constitute a "bona fide" offering of goods or services. Further, the Respondent has provided no evidence to demonstrate use of the Disputed Domain Names are in good faith. The Panel draws the irresistible inference that the Respondent must have prior knowledge of the Complainants' BBIN trademarks. The Panel takes the view that the Respondent, by registering the Disputed Domain Names, is a dishonest misappropriation of the Complainants' registered trademarks, making the Respondent's cybersquatting an instrument of fraud. See para.3.2.2 of WIPO Jurisprudential Overview 3.0.

The Panel therefore finds that the Respondent's domain names have been registered and are being used in bad faith, satisfying paragraph 4 (a) (iii) of UDRP.

## **6. Decision**

For all the foregoing reasons, the Panel concludes that the Complainants have provided sufficient proof of their contentions, have proven each of the three elements of paragraph 4 of UDRP with respect to the Disputed Domain Names and have established a case upon which the relief sought must be granted. The Panel therefore orders that the registrations of the Disputed Domain Names <bbinpti.com>, <bbing8.com>, <bbinof.com>, <bbin78.com>, and <bbin-bbs.com> be transferred to the 1<sup>st</sup> Complainant, as sought.

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Sole Panelist: Peter Cheung *P. F. Cheung*

Date: 10 September, 2021