



Asian Domain Name Dispute Resolution Centre

hong kong

(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No:	HK-2001321
Complainant:	Television Broadcasts Limited
Respondent:	Hu Weisheng
Disputed Domain Name:	<tvbme.com>

1. The Parties and Contested Domain Name

The Complainant is Television Broadcasts Limited, of 10/F, Main Building, TVB City, 77 Chun Choi Street, Tseung Kwan O Industrial Estate, Kowloon, Hong Kong Special Administrative Region (HKSAR).

The Respondent is Hu Weisheng, of Hefei, Anhui 230031, People's Republic of China (PRC).

The domain name at issue is <tvbme.com>, registered by the Respondent with GoDaddy.com, LLC, of 14455 N. Hayden Road, Suite 219, Scottsdale, AZ 85260, United States of America (USA).

2. Procedural History

On February 24, 2020, the Complainant submitted the Complaint in English on domain name <tvbme.com> to the Hong Kong Office of the Asian Domain Name Dispute Resolution Centre (the "Centre"), in accordance with the Uniform Domain Name Dispute Resolution Policy (the "Policy") adopted by the Internet Corporation for Assigned Names and Numbers (ICANN) on August 26, 1999, the Rules for Uniform Domain Name Dispute Resolution Policy Disputes (the "Rules") approved by ICANN on October 24, 1999, and the Asian Domain Name Dispute Resolution Centre Supplemental Rules in effect as of July 31, 2015. The Complainant requested a single person panel.

After receiving the Complaint, the Centre, in accordance with the Supplemental Rules, verified that the Complaint complied with the formal requirements of the Rules and the Supplemental Rules. In that regard, on February 24, 2020, the Centre requested the Registrar GoDaddy.com, LLC (the "Registrar") to provide following information within five (5) days if possible: 1. whether the domain name <tvbme.com> is registered with "GoDaddy.com, LLC"; 2. The registrant or holder of the disputed domain name <tvbme.com> ("the disputed domain name"); 3. whether the ICANN Policy is applicable to the current dispute; 4. the language of the disputed domain name's Registration

Agreement; 5. the disputed domain name's registration date and expiration date; 6. Confirmation that the disputed domain name has been locked and will not be transferred to another holder or registrar during the current administrative proceeding or for a period of 15 business days after the proceeding is concluded in accordance with Paragraph 8 of the Policy; and 7. the WHOIS information regarding the disputed domain name. In addition, by email message dated February 24, 2020, the Center confirmed the receipt of the Complaint, together with Annexures.

On February 24, 2020, the Registrar provided its response to the Centre and confirmed that: (1) the disputed domain name is registered with GoDaddy.com LLC (the Registrar); (2) the Respondent is the registrant or holder of the disputed domain name; and (3) the Policy applies to the disputed domain name. The Registrar also stated that (4) the registration agreement is in the English language; (5) the provided name and contact information are pertinent to the disputed domain name as reflected in its WHOIS database; (6) the domain name would remain locked during the pending administrative proceeding (The lock on the domain name shall expire automatically: (i) Upon Go Daddy's receipt of an order dismissing or suspending the case, (ii) Upon the expiration of the domain registration including the Redemption Grace and Pending Delete Periods at the registry).

On March 3, 2020, the Centre sent the Complaint with its annexures to the Respondent. The Respondent was then provided with a 20-calendar day period, expiring on March 23, 2020, to file his/her Response to the Centre and the Complainant. As of March 23, 2020, the Respondent had not filed any Response to the Centre. Accordingly, on March 26, 2020, the Centre advised the parties by email that the Respondent had not filed any Response to the Complaint by March 23, 2020, and, as such, the Centre would then continue proceeding and would appoint a Panelist for this matter.

Pursuant to the Rules and Supplemental Rules, the Centre, by email dated March 28, 2020, contacted the undersigned, Ms. Shirley LIN, requesting her service as a Sole Panelist for this dispute. On the same day, Ms. Shirley LIN responded and affirmed her ability to act completely independently and impartially in this matter. Subsequently, the Centre, via an email dated March 31, 2020, notified the Parties of the appointment of Ms. Shirley LIN as the Sole Panelist. Based on the deadline set forth in paragraph 15 of the Rules, a decision should be issued by the Panel to the Center on or before April 14, 2020.

3. Factual background

The Complainant:

A. The Complainant and its activities

The complainant, Television Broadcasts Limited ("TVB"), is the first wireless commercial television station in Hong Kong. TVB was established in 1967 with only about 200 staff, but now it has grown to a size of over 3,900 staff and artistes worldwide. Shares of the Complainant have been publicly listed on the Hong Kong Stock Exchange since 1988. The principal activities of the Complainant are television broadcasting, programme production and other broadcasting related activities, such as programme and Video-On-Demand ("VOD") licensing, digital media business, audio and video products selling and distribution, etc. It is one of the largest producers of Chinese language programmes in the

world. Its Chinese programmes are internationally acclaimed and are dubbed into other languages and are distributed to more than 200 countries and regions.

In 1999, Complainant launched its principal website “TVB.COM” (<http://www.tvb.com>) on the Internet to provide worldwide viewers the latest information of its programmes and artistes. “TVB.COM” also contains video clips of Complainant’s programmes for users’ viewing online. In November 2008, Complainant set up “myTV” section at TVB.COM providing its drama and variety programmes for users’ viewing on the Internet by means of live streaming and VOD in Hong Kong. In 2010, “myTV” had 3,000,000 visitors monthly. In 2011, Complainant extended its “myTV” to mobile application for smartphone and tablet users to enjoy wireless viewing of its drama and variety programmes in Hong Kong. In 2013, Complainant launched “GOTV” mobile application for users to watch its drama on VOD basis via Internet on computer and mobile devices in Hong Kong. In 2016, Complainant launched “myTV SUPER” OTT (“over the top”) services for viewers to watch its dramas and variety programmes on livecast and VOD basis via Internet and/or set top box and/or applications on television, computer and mobile devices and through website located at <http://www.mytvsuper.com> in Hong Kong. myTV SUPER is now a leading OTT platform in Hong Kong, and had over 7 million users (set-top boxes, mobile apps and website users combined) in March 2019.

Complainant’s wholly-owned subsidiary, TVBI Company Limited (“TVBI”), is responsible for distribution of Complainant’s Chinese language programmes across the world. TVBI and its sub-licensees supply Complainant’s programmes to free-to-air broadcasters, cable and satellite television broadcasting service operators, telecommunication services provider, websites, video distributors and video-on-demand service providers worldwide.

B. The Complainant’s TVB-related Marks

Since 2005, TVBI has begun to exploit the VOD and interactive media market in the PRC. TVBI has licensed the Complainant’s programmes to numerous VOD service providers. A list of the names and the printed pages of the websites of TVBI’s VOD licensees can be found in Annex VIII of the Complaint.

In August 2012, the Complainant, China Media Capital and Shanghai Media Group set up a joint venture company 上海翡翠東方傳播有限公司 (“TVBC”) replacing TVBI to handle Complainant’s programmes sub-licensing in the PRC. Printout of TVBC’s website (<http://www.tvbc.com.cn>) can be found in Annex IX of the Complaint.

In 2014, Complainant’s wholly-owned subsidiary, TVB Anywhere Limited, launched “TVB Anywhere” for viewers to watch Complainant’s Programmes and channels on television and/or mobile devices via open Internet worldwide (excluding Hong Kong, Mainland China, USA, Taiwan, Vietnam, and Malaysia). TVB Anywhere’s website (<https://www.tvbanywhere.com>) wherein tutorial and various packages and pricing are announced. Printout of the website (<https://www.tvbanywhere.com>) can be found in Annex X of the Complaint.

In 2019, TVB Anywhere Limited launched “TVB Anywhere+” for viewers to watch Complainant’s Programmes and channels on mobile devices via open Internet worldwide (except Hong Kong, Mainland China, Taiwan, Macau, Malaysia, Vietnam and USA). Webpage of TVB Anywhere+ (<https://plus.tvbanywhere.com>) wherein tutorial and various

packages and pricing available worldwide are announced. Printout of the website (<https://plus.tvbanywhere.com>) can be found in Annex XI of the Complaint.

In addition, Complainant's wholly-owned subsidiary, TVB (USA) Inc., whose webpage <http://www.tvbusa.com> wherein Complainant's TV programmes, services and activities available in USA are introduced. Printout of the website <http://www.tvbusa.com> can be found in Annex XII of the Complaint.

The Complainant is also a member of the Canadian Fairchild Media Group ("Fairchild"). Fairchild television channel's webpage, <http://fairchildtv.com> wherein Complainant's TV programmes available in Canada are introduced. A printout of the webpage (<http://fairchildtv.com>) can be found in Annex XIII of the Complaint.

As on the date of February 24, 2020, the Complainant and its subsidiaries have registered and owned over 160 domain names, bearing the mark "tvb", namely, "tvb.me", "tvbihk.com.hk", "tvbusa.com", "tvbusa.us", "tvbwkly.com", "tvb.asia", "tvbartistesblog.com", "tvbartisteblog.com", "tvbartistsblog.com", "tvbartistblog.com", "tvbartistesblog.com.hk", "tvbartisteblog.com.hk", "tvbartistsblog.com.hk", "tvbartistblog.com.hk", "tvbartistesblog.com.cn", "tvbartistesblog.cn", "tvbartistblog.com.cn", "tvbartistblog.cn", "tvbartisteblog.com.cn", "tvbartisteblog.cn", "tvbartistsblog.com.cn", "tvbartistsblog.cn", "tvbmusic.com.hk", "tvbnews.com.hk", "tvbn.com.hk", "tvbgroup.com.cn", "tvbgroup.cn", "tvbchina.com.cn", "tvb.com.cn", "tvb.hk", "tvb.com.hk", "tvb.com", "tvbnewsroom.com.hk", "tvbn.hk", "tvbof.com.mo", "tvbop.com.mo", "tvb.co.in", "tvb.com.vn", "tvb.com.sg", "tvb.sg", "tvb.ae", "tvb.xxx", "tvbi.xxx", "tvbchina.cn", "tvbc.com.cn", "tvbfinance.com", "tvbcharity.hk", "tvbcharity.com.hk", "tvbcharity.org", "tvbcharity.org.hk", "tvbc. 中 国 ", "tvbappstore.com.hk", "tvbappstore.hk", "tvbappstore.com", "tvbappstore.net", "tvb.tm", "tvbanywhere.com", "tvbanywhere.net", "tvbanywhere.hk", "tvbanywhere.com.hk", "tvbgo.hk", "tvb-go.hk", "tvbgold.hk", "tvb-gold.hk", "tvbzhibo.com", "tvb123.com", "tvbdo.com", "tvbcorporate.com", "tvbcorporate.hk", "tvbcorporate.com.hk", "tvbdo.org", "tvb8.com.hk", "tvbeurope.net", "tvbeurope.hk", "tvbeurope.asia", "tvbeurope.cn", "tvbeurope.com.cn", "tvbeurope.cn.com", "tvbeurope.co.in", "tvbeurope.com.tw", "tvbeurope.in", "tvbeurope.net.cn", "tvbeurope.tw", "tvbeurope.com.hk", "itvb. 商 标 ", "tvbeurope.biz", "tvbeurope.info", "tvbeurope.org", "tvbdo.info", "tvbstream.com", "tvbdo.eu", "tvb.vn", "tvbeurope.eu", "aztvb.com", "tvb22.com", "tvb.website", "tvb.biz", "tvb-online.com", "tvb.video", "tvblove.com", "tvb.love", "tvbspecial.com", "tvb2014.com", "tvbxinghe.com.hk", "mytvb.hk", "tvbihk.com", "tvbihk.info", "tvbonly.com", "tvbys.com", "tvbow.com", "tvbyy.com", "tvbanywhere.sg", "tvbanywhere.com.sg", "dramatvb.com", "mytvbanywhere.com", "tvbroaming.com", "tvbpv.com", "tvbeurope.org.cn", "tvbanywhere.com.my", "tvb.中国", "tvbanywhere.my", "tvbihk.com", "tvbf.com.hk", "hdtvb.me", "hdtvb.site", "tvbcms.com", "tvbpv.net", "tvbnetworkvision.net", "tvbnv.net", "tvbpayvision.com", "tvbnetworkvision.com", "tvbnv.com", "tvbnetworkvision.tv", "tvbnv.tv", "tvbvideo.co.uk", "hdtvb.biz", "tvbi.online", "tvbi.news", "watchtvb.com", "tvbyb.com", "tvbanywhere.app", "tvb8vn.com", "tvbnewwings.com", "tvbnewwings.asia", "tvbnewwings.hk", "tvbnewwings.com.hk", "tvbnetworkvision.com.hk", "tvbnetworkvision.hk", "tvbnv.hk", "tvbnv.com.hk", "tvbyb.hk.com", "seesetvb.net", "tvbweekly.com", "tvbweek.com", "tvbweeklyhk.com", "tvbweekly.com.hk", "tvbweek.com.hk", "tvbvideo.net", "tvb01.com", "onlytvb.com" and "onetvb.com". Details of most of these domain registrations can be found in Annex XIV of the Complaint.

The Respondent

As indicated in the WHOIS registration record provided in Annexure 1 of the Complaint, the Respondent registered the disputed domain name on January 3, 2016. In November 2019, it came to Complainant's attention that the Respondent had registered the disputed domain name TVBME.COM. The Respondent has used the domain name to set up an online social community ("the Website") for playing Complainant's television programmes to viewer public. Large volumes of Complainant's works are being distributed on the Website by the Respondent without Complainant's authorization.

On November 29 and December 10 of 2019, the Complainant sent cease and desist letters to the Respondent, the Website's Internet Services Provider, CeraNetworks ("CeraNetworks") and GoDaddy.com, LLC (the Registrar) respectively, asking them to remove or disable access to Complainant's copyrighted works and to terminate their services with the Respondent.

Under the Centre's request, the disputed domain name has been locked by the Registrar since February 24, 2020 and is currently inactive. The Centre confirmed that documents had been sent to the Respondent's address as registered with the registrar. However, the Centre did not receive any response from the Respondent within the required period of time. The Respondent is thus to be considered in default.

4. Parties' Contentions

Since the Respondent defaults, the Panel understands that the Complainant bears the burden of pleading at least a prima facie case. See, e.g., *Cyro Industries v. Contemporary Design*, WIPO, No. D2000-0336, Jun. 19, 2000 (holding that in cases of default, panels must pay special attention to evaluating the accuracy of Complainant's submissions); *Softquad Software Inc. v. Eleven-Eleven Ltd, DeC*, No. AF-0143 (Jun. 1, 2000) (stressing that in default cases, the burden of proving required elements remains with the Complainant).

A. Complainant

The Complainant's contentions may be summarized as follows:

- i. The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights

The Complainant submits that the disputed domain name <tvbme.com> is confusingly similar to Complainant's trademarks "TVB" because of the visual and conceptual similarities.

Firstly, the Complainant could provide evidences shown that it and its subsidiaries have registered a large number of TVB trademarks long before the registration date of the disputed domain name (*i.e.* January 3, 2016).

Secondly, the Complainant submits that the disputed domain name is confusingly similar to Complainant's trademarks "TVB".

Since “.com” is not taken into account in the comparison, “tvbme” is the main part of the disputed domain name, of which “tvb” is identical to Complainant’s well-known TVB trademarks. It is obvious that “tvb” is the central and distinguishing element of the disputed domain name.

From these facts, it is apparent that the disputed domain name is confusingly similar to Complainant’s TVB marks and that the Respondent has intended to, and is currently, riding on the reputation of TVB’s business.

- ii. The Respondent has no rights or legitimate interests in respect of the disputed domain name:

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Names.

Firstly, the Respondent has never been authorized by the Complainant to use the TVB trademarks under any circumstances. Furthermore, the Respondent has no business relationship with the Complainant. Thus, the Respondent does not have any rights with regard to the trademark TVB.

Secondly, Respondent’s name, address and any other information cannot be linked with TVB.

Thirdly, further searches by the Complainant do not prove that the Respondent has any other rights for TVB.

For the foregoing reasons, the Complainant submits that paragraph 4(a) (ii) of the Policy has been satisfied.

- iii. The disputed domain name has been registered and is being used in bad faith:

The Complainant submits that the Respondent has shown bad faith in registering and using the disputed domain name <tvbme.com> because of two essential reasons: first, the Respondent has been aware of TVB trademark and activities, and, second, there is an intent to cause confusion.

The Complainant’s TVB trademarks had been extensively registered throughout the world including Hong Kong, UK, USA, Mainland China, etc., long before the registration of the disputed domain name. The registered TVB trademarks, designating a large range of goods, such as clothes, leather products, shoes, scarves, have become worldwide reputed after continuous extensive uses and marketing throughout the world. Thus, it can be reasonably inferred that the Respondent was well aware of Complainant’s prior TVB trademarks before registering the disputed domain name. Besides, the Respondent has used the domain name to set up the Website for playing Complainant’s television programmes to viewer public without Complainant’s authorization.

For the foregoing reasons, it can be reasonably inferred that the Respondent has been well aware of Complainant’s marks before registering the disputed domain name and that he/she is intentionally attempting to attract users for commercial gain by creating such a likelihood of confusion.

B. Respondent

The Respondent is to be considered in default so the Panel will decide the dispute based on the information available to it and may draw such inferences as it deems appropriate from Respondent's failure to submit a timely Response.

5. Findings

In view of the lack of a response filed by the Respondent as required under paragraph 5 of the Rules, this proceeding has proceeded by way of default. Hence, under paragraphs 5(e), 14(a) and 15(a) of the Rules, the Panel is directed to decide this administrative proceeding on the basis of Complainant's undisputed representations.

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

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

A) Identical / Confusingly Similar

The Complainant has established its rights in the trademarks "TVB" with various registrations for such a name (See Annexes to the Complaint).

The domain name in dispute is "TVBME.COM". By comparing the disputed domain name with Complainant's registered trademark "TVB", it clearly illustrates that the disputed domain name "TVBME.COM" is similar to Complainant's registered trademark "TVB", which has been used by the Complainant continuously for more than 50 years since the Complainant first registered it in Hong Kong in 1992, and is currently registered and/or applied for registration by the Complainant in over 30 jurisdictions worldwide.

In addition to the mark "TVB", the Complainant and its subsidiaries have also applied and registered numerous trademarks incorporating the essential element of the letters "TVB". Examples are "TVB8", "TVBA Value Club", "TVBJ", "TVBI", "TVBVideo", "TVBUDDY", "TVBC", "TVB Europe", "TVB NETWORK VISION", "TVB Anywhere" etc. in various jurisdictions and for various services. Details of these registrations and applications are listed in Annex XIX of this Complaint. Further, Complainant's group of companies operate and own the following satellite television channels: (a) TVBJ – Chinese-language television channel has been distributed in Singapore since 2000; (b) TVB8 – Chinese language television channel has been distributed in the PRC, Asia and Pacific region since 1998. Complainant's subsidiary, TVB (USA) Inc. has operated cable and satellite TV services to Chinese speaking audience in USA since 1976. TVBC has been handling Complainant's programmes sub-licensing in the PRC since 2012. TVBC launched iTVB mobile application in the PRC, providing various Complainant's programmes for users' viewing.

In such circumstances, Complainant's name and TVB-related trademarks are well known

worldwide. The Complainant, therefore, enjoys trademark rights in the name “TVB” due to the goodwill and reputation accumulated through extensive use, advertising, promotion of the mark since its registration in the early 1990s.

The Respondent registered the domain name in dispute on January 3, 2016. The disputed domain name comprises Complainant’s registered mark “TVB” and is confusingly similar with other Complainant’s trademarks deriving from ‘TVB’, such as “TVBVideo”, “TVB8”, ‘TVBC’, “TVB Europe”, “TVBJ” and “TVB Anywhere”. By setting up various archives, the Website was deliberately created by the Respondent with the intention to offer public viewing of Complainant’s programmes without Complainant’s authorization.

The Panel therefore holds that the Complainant fulfils the first condition of paragraph 4(a) of the Policy.

B) Rights and Legitimate Interests

Based on the evidence of record here, the Panel finds that no basis exists which, under the circumstances here, would legitimize Respondent’s claim to the disputed domain name under paragraph 4(c) of the Policy.

The Respondent is not in any way connected, associated or affiliated with the Complainant, and the Complainant has not authorized, endorsed or otherwise permitted the Respondent to register the domain name in dispute or use Complainant’s trademark or any variation thereof.

There is no evidence that the Respondent has been commonly referred to as the disputed domain name, or that he/she might reasonably be said to have any rights or legitimate interests in registering or using the disputed domain name.

Besides, by offering users to view Complainant’s programmes without authorization, the Respondent has infringed the copyright and other intellectual property rights of the Complainant. The Complainant contends that the Respondent is not making any legitimate or fair use of the domain name in dispute.

The Panel infers from the above that the Respondent is not using the disputed domain name on either a non-commercial or fair use basis without intent to misleadingly divert consumers or tarnish any of Complainant’s marks, or, prior to receiving notice of this dispute, in connection with any bona fide offering of goods or services or demonstrable preparations for making such an offering. The Respondent thus fails to qualify either paragraph 4(c)(i) or paragraph 4(c)(iii) of the Policy.

Accordingly, the Panel concludes that the Respondent has no rights or legitimate interests in the disputed domain name within paragraph 4(a) (ii) and 4(c) of the Policy.

C) Bad Faith

In accordance with Paragraph 4(a)(iii) of the Policy the Complainant must also prove that the disputed domain name has been registered and is being used in bad faith.

The domain name in dispute was registered in 2016 while Complainant has been widely publicizing “TVB” as its brand name since 1967. The Respondent has been using that

domain name for the Website where he/she provides Complainant's programmes for users' viewing. From this point, the Respondent should have intentionally chosen the disputed domain name for his/her Website with full knowledge of Complainant's business and TVB trademark. It is therefore inconceivable that at the time of registering the disputed domain name the Respondent was not aware of Complainant's business and its trademark.

The Complainant engages in programme content licensing and distribution business. In particular, The Complainant distributes its programme content through its subsidiaries and "myTV Super" service through "MyTV Super Limited" (formerly "TVB.COM LIMITED") in Hong Kong. Besides, the Complainant has licensed VOD rights of its programmes to www.astro.com.my in Malaysia via TVBI. The Complainant has also granted its VOD and on-line streaming rights of its programmes to (a) TVBC for sub-licensing in the PRC, and (b) TVBI for its TVB Anywhere and TVB Anywhere+ services. Apparently, the Respondent, by setting up the Website for distributing and offering public viewing of Complainant's works online, is in fact using the domain name in dispute in direct competition with Complainant's business.

The Panel finds that it is not conceivable that the Respondent would not have had actual notice of Complainant's trademark rights at the time of the registration of the disputed domain name. The Panel also finds that the trademarks are not one that traders could legitimately adopt other than for the purpose of creating an impression of an association with the Complainant. (*The Argento Wine Company Limited v. Argento Beijing Trading Company*, WIPO Case No. D2009-0610). Moreover, the Respondent has chosen not to respond to Complainant's allegations in the Complaint. According to the panel's decision in *The Argento Wine Company Limited v. Argento Beijing Trading Company*, supra, "the failure of Respondents to respond to the Complaint further supports an inference of bad faith". (see also *Bayerische Motoren Werke AG v. (This Domain is For Sale) Joshuathan Investments, Inc.*, WIPO Case No. D2002-0787; Julien Chaisse, "The Merging of Two Worlds: Cyber Law and Trade Law Normative Convergence on Internet Domain Names," *Boston University International Law Journal* 37, no. 2 (Summer 2019): 281-306).

Respondent's use of the Website has seriously prejudiced Complainant's commercial interests because the Respondent would distract customers from the Complainant by attracting them to get Complainant's programme contents from the Website for free. By doing so, the Respondent has therefore adversely affected Complainant's business and income.

Given the widespread reputation of the TVB trademarks, the Panel finds that the public is likely to be confused into thinking that the disputed domain name has a connection with the Complainant, contrary to the fact. There is a strong likelihood of confusion as to source, sponsorship, affiliation or endorsement of the Website to which the disputed domain name resolves (see Annexes to the Complaint). In other words, the Respondent has through the use of the confusingly similar disputed domain name created a likelihood of confusion with Complainant's trademarks. Moreover, the Respondent has not responded to the Complaint. The Panel therefore concludes that the disputed domain name is being used by the Respondent in bad faith. The passive holding of some of the disputed domain name also amounts to use in bad faith in the circumstances of this case.

In summary, the Respondent, by choosing to register and use the disputed domain name which is confusingly similar to Complainant's well-known trademarks, intended to ride on

the goodwill of Complainant's trademarks in an attempt to exploit, for commercial gain, Internet users destined for the Complainant. In the absence of evidence to the contrary and rebuttal from the Respondent, the choice of the disputed domain name and the conduct of the Respondent as far as the Website to which the disputed domain name resolve is indicative of registration and use of the disputed domain names in bad faith. The Panel therefore holds that the Complainant fulfills the third condition of paragraph 4(a) of the Policy.

6. Decision

Based on the above analysis, the Panelist decides that: (1) the disputed domain name <tvbme.com> is confusingly similar to Complainant's name or mark in which the complainant has rights; (2) the Respondent has no right or legitimate interest in respect of the disputed domain names; and (3) the Respondent has registered and is using the domain name in bad faith.

Accordingly, under paragraphs 4(i) of the Policy and 15 of the Rules, the Panelist grants the relief sought by the Complainant. The disputed domain name <tvbme.com> is ordered transferred to the Complainant.



Shirley Lin
Panelist

Dated: April 6, 2020