



Asian Domain Name Dispute Resolution Centre

(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

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| Case No. | HK-2101470 |
| Complainant: | EventXtra Limited |
| Respondent: | Registration Private |
| Disputed Domain Name(s): | <eventx.ai> |

1. The Parties and Contested Domain Name

The Complainant is EventXtra Limited, of Units C & D, 8th Floor, Tong Yuen Factory Building, 505 Castle Peak Road, Cheung Sha Wan, Kowloon, Hong Kong.

The Respondent is Registration Private, of DomainsByProxy.com, 14455 N. Haydeb Road, Scottsdale, Arizona USA.

The domain name at issue is <eventx.ai> (“the Disputed Domain Name”), registered by Respondent with lapi.net, of abuse@lapi.net.

2. Procedural History

The Complaint was filed on 26 May 2021 and the Complainant elected to have the Complaint decided by one panelist. The Respondent did not respond to the Complaint and Michael Cover, was appointed by the Hong Kong International Arbitration Centre (HKIAC) as sole panelist on 28 June 2021, having declared his independence and impartiality. The Complainant is represented by Messrs Benny Kong & Tsai and the Complainant has filed a letter of authorization in favour of that firm dated 26 May 2021 and addressed to the Hong Kong International Arbitration Centre.

The Complaint is to be decided in accordance with the ICANN Uniform Domain Name Dispute Resolution Policy (“the Policy”), the Rules for Uniform Domain Name Dispute Resolution Policy (the Rules), and Asian Domain Name District Resolution Centre’s Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (Supplemental Rules).

3. Factual background

The Complainant is a company incorporated in Hong Kong on 17 October 2012. The Complainant is engaged in the business of, amongst other things, event management

services throughout the world under the trade name and trademark EventX. The Complainant first used the EventX trademark in 2013 and Exhibit 5 to the Complaint shows the purchase by the Complainant of the domain name <eventx.cc> on 8 August 2013. Exhibit 4 to the Complaint sets out details of the Complainant's activities, including its slogan "We make corporate events simple and impactful". Further details are set out in Exhibit 6 to the Complaint, showing extracts from the Complainant's principal website.

The Complainant is the proprietor of registered trademarks for EventX in the EU under No. 01836255 in Class 9 and Hong Kong under No. 305494069 and the domain names set out in the Complaint, including <eventx.asia>.

The Respondent's details are as set out above. In addition, the Respondent operates the website www.eventx.asia, to which the Disputed Domain Name resolves, and which offers event management services, as set out in the printouts at Exhibit 6 to the Complaint.

The Disputed Domain Name was registered on 8 September 2020.

4. Parties' Contentions

A. Complainant

The Complainant's contentions may be summarized as follows:

- i. The Complainant notes that the Complainant's trademark EventX has been continuously used by the Complainant and its related entities since at least August 2013 and that that trademark has been registered in various jurisdictions. The Complainant submits that, as a result of the extensive advertisement and promotion of the Complainant's services under the Complainant's trademark EventX, the Complainant's trademark has become well-known and distinctive throughout the world.
- ii. The Complainant also submits that the Disputed Domain Name contains the distinctive element of the Complainant's trademark, "EventX". The Complainant concludes that the Disputed Domain Name is identical to the Complainant's trademark EventX, in which the Complainant has acquired and enjoys legitimate rights and interests.
- iii. The Complainant submits that the Respondent has not made any legitimate use of the Disputed Domain Name, except what the Complainant describes as the infringing use, meaning the offering of competing services through the website to which the Disputed Domain Name resolves, and concludes that the Respondent has not been commonly-known by the Disputed Domain Name.
- iv. In support of its contention that the Respondent has no rights or legitimate interests in the Disputed Domain Name, the Complainant states that the Respondent does not own any trademark registration reflecting or corresponding to the Disputed Domain Name and has not made any legitimate or non-commercial or fair use of the Disputed Domain Name anywhere in the world and that the Complainant has not authorized, licensed or consented to the use by the Respondent of the Disputed Domain Name.
- v. The Complainant submits that the Disputed Domain Name has been registered and is being used in bad faith. Based on the material before the Panel, submits the Complainant, the Respondent has registered the Disputed Domain Name in order to mislead the public into the mistaken belief that that the Respondent's services

are in some way related to or associated with the Complainant. The Complainant also notes that the Respondent hosts a website in the name of the Disputed Domain Name with the purpose of attracting internet users for commercial profits to that website and that the Disputed Domain Name can be confused with, for example the domain name <event.asia> of the Complainant.

The Complainant requests that the Disputed Domain Name be transferred to the Complainant.

B. Respondent

The Respondent did not respond to the Complaint.

5. Findings

The 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;
- 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 Panel accepts that the Complainant has established rights in the trademark EventX. The Complainant has registered rights since 2020, through its registered trademarks in the EU and Hong Kong. The panel also accepts that the Complainant has established unregistered rights in its EventX trademark, through using that trademark since 2013, which is some 7 years before the registration of the Disputed Domain Name.

The Panel further accepts that the Disputed Domain Name is confusingly similar to the EventX trademark of the Complainant. The Disputed Domain Name incorporates that trademark in its entirety and, in assessing confusing similarity, it is well-established that the incorporation of TLD, such as ".ai", does not avoid a finding of confusing similarity,

The Panel therefore finds that the Disputed Domain Name is confusingly similar to the Complainant's trademark EventX, in which the Complainant has rights and that the provisions of the Policy, paragraph 4(a)(i), have been met.

B) Rights or Legitimate Interests

The Panel accepts that the Respondent has no rights or legitimate interests in the Disputed Domain Name. The Panel notes that the Complainant has not authorized, licensed or consented to the Respondent using the Complainant's EventX trademark. The Panel accepts that the Respondent has not been commonly known by the Disputed Domain Name and has not made any legitimate use of the Disputed Domain Name. Indeed, such use as has taken place involves the Disputed Domain Name resolving to a website which offers services which compete with those of the Complainant. This does not constitute a bona fide offering of goods or services or non-commercial fair use.

The Panel accordingly finds that the Respondent has no rights or legitimate interests in the Disputed Domain Name and that the provisions of the Policy, paragraph 4(a)(ii), have been met.

C) Bad Faith


The Panel accepts that the Disputed Domain Name has been registered and is being used in bad faith. The Panel infers from the material before it that the Respondent was aware or should have been aware of the Complainant's trademark EventX, which had been used for 7 years before the registration of the Disputed Domain Name.

The Panel notes that the Disputed Domain Name resolves to a website which offers services which compete with those of the Complainant and accepts that this is evidence of use of the Disputed Domain Name in bad faith. It is reasonable to infer that the Respondent has set this up primarily for the purpose of intentionally attracting for commercial gain internet users to the Respondent's website or other online location by creating a likelihood of confusion with the Complainant's EventX trademark.

The Panel therefore decides that the provisions of the Policy, paragraph 4(a)(iii), have been met and the Disputed Domain Name has been registered and is being used in bad faith.

6. Decision

For the reasons set out in this Decision, in accordance with paragraphs 4(i) of the Policy, the Panel orders that the Disputed Domain Name <eventx.ai> be transferred to the Complainant.



Michael Cover

Sole Panelist

Dated: 5 July 2021