



(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2101514
Complainant:	BB IN Technology Co., Ltd. and Yang, Jen-Chieh (“楊仁傑” in Chinese)
Respondent:	Tian Long
Disputed Domain Name(s):	< bbin8.com >

1. The Parties and Contested Domain Name

1. The First Complainant is BB IN Technology Co., Ltd., of 60 Market Square, P.O. Box 364, Belize City, Belize.
2. The Second Complainant is Yang, Jen-Chieh (“楊仁傑” in Chinese), the Chief Executive Officer of the First Complainant.
3. The Respondent is known as Tian Long. The stated address of Hebei, The Philippines appears to be false.
4. The domain name at issue is <**bbin8.com**>, registered by Namecheap, Inc.

2. Procedural History

5. The Complainant filed this complaint with the Asian Domain Name Dispute Resolution Centre (ADNDRC) (Hong Kong Office) on 20 July 2021.
6. A copy of the Complaint was sent to the Respondent on 13 August 2021.
7. The Respondent failed to respond within 20 calendar days as required under paragraph 5 of the UDRP Rules and on 03 September 2021 was held as being in default.
8. On 03 September 2021, after confirming that he was able to act independently and impartially between the parties, the ADNDRC appointed David Allison as the sole Panelist in this matter.

3. Factual background

9. The 1st Complainant is a leading gaming software developer and supplier in Asia, with successful collaborations with more than 500 clients around the world. 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.
10. The Complainants enjoy trademark rights to the mark "BBIN" and various versions thereof, with its earliest mark "BBIN" & device trademark registered in Hong Kong in 2011 (Reg. No. 302035890). The Complainants have subsequently registered many marks for "BBIN" and variations thereof in several jurisdictions in Asia, including Taiwan, Mainland China, Hong Kong, Japan and Singapore.
11. The Complainants maintain that they have also built up a protectable goodwill in their BBIN trademarks through active use of the trademarks on the Complainant's Website and through other activities in Asia (e.g. participation at G2E Asia).
12. The 1st Complainant has been the beneficial owner of the domain name "bb-in.com" since 1 September 2005 and has always used its official website www.bb-in.com to promote its online gaming products.
13. The Respondent failed to file a Response within the deadline. Accordingly, little is known about the Respondent besides the fact that the disputed domain name was registered on 30 June 2011. However, according to evidence provided by the Complainant, the Respondent only acquired the Disputed Domain name on 02 March 2017. The Disputed Domain name does not resolve to any active website.

4. Parties' Contentions

14. Complainant:

The Complainant's contentions may be summarized as follows:

- i. The disputed domain name is confusingly similar to the BBIN trademarks owned by the Complainant.
- ii. The Respondent has no rights to the disputed domain name and, being aware of the Complainant and its goodwill, has registered the Disputed Domain name in bad faith.

The Complainant requests the Panel to issue a decision that the Disputed Domain Name shall be transferred to the First Complainant, BB IN Technology Co., Ltd.

15. Respondent:

The Respondent did not file a submission within the deadline.

5. Findings

16. The ICANN Uniform Domain Name Dispute Resolution Policy provides, at Paragraph 4(a), that each of three findings must be made in order for a Complainant to prevail:

- i. Respondent's domain name 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

17. The Complainant has adduced sufficient evidence to demonstrate that it has clear trademark rights to the mark "BBIN" in Hong Kong and a number of other jurisdictions throughout Asia. The Complainant has also provided abundant relevant evidence, to clearly establish that the trademark "BBIN" is well known and has a relatively high reputation among the relevant public. As such, the Panel finds that the Complainant has sufficient rights and interests in the "BBIN" mark.

18. When comparing the Complainant's marks and the disputed domain name, it is clear that they are confusingly similar in that the "BBIN" element in the Complainant's mark and the Disputed Domain name are identical.

19. The number "8" after "BBIN" in the Disputed Domain name would be ignored by consumers and does not constitute a distinctive element. Accordingly, when the distinctive element of the Disputed Domain name (ie BBIN) is compared with the Complainant's trademarks, it is obvious that they are identical.

20. Accordingly, the Complainant has made out the first element.

B) Rights and Legitimate Interests

21. The Complainant argues that the Respondent has no rights or legitimate interests in the disputed domain name. Further, they contend that they have not authorized anyone, much less the Respondent to license, use or register any domain name which includes the "BBIN" trademarks.

22. The Complainants also argue that 'passively holding' the Disputed Domain Name supports a finding of bad faith. The Panel does not agree that the mere fact that the Respondent recently registered the disputed domain name automatically leads to such a finding. There may in some cases be perfectly legitimate reasons why a disputed domain name has been recently registered and not yet used.

23. Nevertheless, in this case, it is difficult to see any legitimate interest that the Respondent could have in the disputed domain name. The Respondent has chosen a domain name which is deceptively similar to the Complainant's well-known (and quite distinctive) trademarks and the disputed domain name has no relationship with the Respondent's business name whatsoever.

24. As the Respondent has not responded to the Complaint, there is no evidence to counter the Complainant's claim and there is also no obvious legitimate reason for the Respondent to use the "BBIN" element in relation to its business. Therefore, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name and thus, the second element is satisfied.

C) Bad Faith

25. To establish the third element, the Complainant must establish that the Respondent both registered and used the disputed domain name in bad faith. In this case, and for the reasons noted above, there is no evidence to establish that the Respondent had any legitimate rights or interests to the Disputed Domain name. Further, as the Complainants have registered and actively used their distinctive trademarks and the Complainant's website for many years, it is unlikely that the Respondent would have been completely unaware of the Complainant's marks and website prior to registering the Disputed Domain name.

26. The Complainant's also alleged and adduced evidence that the Respondent is a notorious typo-squatter, registering many thousands of domain names. Most relevantly, the Respondent has registered at least 19 domain names containing the Complainant's "BBIN" mark. There is no evidence to suggest that such domains are being used for any legitimate purpose. Accordingly, it appears highly likely that such domains have been acquired for the purpose of selling or otherwise transferring the domain names.

27. According to UDRP Policy paragraph 4(b) (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*" is evidence of registration and use in bad faith.

28. As the Respondent has failed to file any response to counter the Complainant's assertions, the Panel finds that on the balance of probabilities that the Respondent knew of the Complainants marks and website prior to registration and as such has filed for and used the Disputed Domain name in bad faith, most likely to disrupt the legitimate rights and business of the Complainant. In addition, the hoarding of thousands of domain names and many "BBIN" derivative domain names also clearly establishes bad faith under UDRP Policy paragraph 4(b).

29. Accordingly, the third element is made out.

6. Decision

30. The Panel finds that the Complainant has satisfied all three elements of UDRP paragraph 4(a). Accordingly, the Panel orders that the disputed domain name <**bbin8.com**> be transferred to the First Complainant, BB IN Technology Co., Ltd.

David Allison

David Allison
Panelist

Dated: 17 September 2021