# Decision for dispute CAC-UDRP-100307

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| Case number | CAC-UDRP-100307 |
| Time of filing | 2011-09-09 16:34:03 |
| Domain names | moldmastertool.com |

## Case administrator

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| Name | Tereza Bartošková (Case admin) |

## Complainant

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| Organization | Mold-Masters (2007) Limited |

## Complainant representative

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| Name | Martin Aufenanger |

## Respondent

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| Organization | Jian Ji |

OTHER LEGAL PROCEEDINGS

None.

IDENTIFICATION OF RIGHTS

The Complainant is the proprietor of Community Trademark No. 3963642 “MOLD-MASTERS”, registered for goods in classes 7 and 11, including injection molds and injection molding tools.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant has been using the“MOLD-MASTERS” mark worldwide since 1963. It has its commercial presence on the Internet through the domain name <moldmasters.com>.

The Respondent registered the domain name <moldmastertool.com> on July 25, 2010. In July 2011 it resolved to a website showing content of the company “FarEast Precision Mold and Molding Engineering Ltd.”, of Shenzhen, China, a competitor of the Complainant.

The Complainant sent a "cease and desist" letter to the Respondent on August 4, 2011. No reply was received but the

content of the website was subsequently removed and, as at the date of the filing of the Complaint, there was no content.

The Complainant asks that the language of the proceedings be English, as the previous complaint correspondence between the parties was also in English. This also applies to the former content on the website to which the domain name resolved.

The Complainant seeks cancellation of the domain name.

PARTIES CONTENTIONS

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the Domain Name is identical or confusingly similar to a trademark or service mark in which the complainant has rights (within the meaning of paragraph 4(a)(i)of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the Domain Name (within the meaning of paragraph 4(a)(ii)of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the Domain Name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii)of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that the Respondent received notice of the Complaint by means of emails from the Case Administrator (in both English and Chinese) to jacky@bluestar-mould.com and postmaster@moldmastertool.com, the delivery of which was confirmed.

The Registration Agreement is in Chinese. The Complainant has requested that the language of the proceeding be English. The Panel notes that the content of the website to which the domain name resolved as of July, 2011 was in English and made reference to the conduct of business in the United States of America. Under these circumstances the Panel considers that the Respondent would not be disadvantaged if the language of the proceeding were English and determines that the language of this proceeding shall be English.

Accordingly, the Panel is satisfied that all procedural requirements under UDRP have been met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

The Respondent has registered and used a domain name that is confusingly similar to the Complainant's mark and in which the Respondent has no rights or legitimate interest to attract Internet users to the website of a competitor of the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. MOLDMASTERTOOL.COM:

## PANELLISTS

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|---|---|
| Name | **Alan Limbury** |

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| DATE OF PANEL DECISION | 2011-10-14 |

Publish the Decision