Decision for dispute CAC-UDRP-100802

Case number	CAC-UDRP-100802
Time of filing	2014-05-27 13:48:39
Domain names	dafa0000.com, dafa1111.com, dafa1188.com, dafa2222.com, dafa2288.com, dafa3333.com, dafa3388.com, dafa4444.com, dafa4488.com, dafa5555.com, dafa6666.com, dafa7788.com, dafa9988.com, dafagj.com

Case administrator

Name	Lada Válková (Case admin)

Complainant

Organization	Emphasis Services Limited

Respondent

Name	Suying Cheng

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other pending or decided legal proceedings which relate to the disputed domain names.

IDENTIFICATION OF RIGHTS

The Complainant holds, inter alia, the following trademark: Hong Kong trademark registration no. 302048148 „DAFA“ with priority date 3 October 2011, claiming protection in class 41 for the following services: Casino services; Internet casino services; providing on-line casino games and games of chance; providing on-line casino-type computer games; entertainment services in the form of casino games; provision of casino, gambling and gaming facilities; gaming services; rental and leasing of gaming tables, card games, card game apparatus, casino games, casino game apparatus, gambling games, gambling game apparatus, gaming machines, casino machines and gambling machines; provision of gaming tables, card games, card game apparatus, casino games, casino game apparatus, gambling games, gambling game apparatus, gaming machines, casino machines and gambling machines; training services relating to the aforesaid services.

FACTUAL BACKGROUND

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

Complainant Emphasis Services Limited, through its subsidiaries, owns and operates websites offering online gaming and betting with licenses issued in the Philippines and the Isle of Man. Complainant owns and operates several such gaming and betting sites under the brand “Dafa”, namely dafabet.com and dafa888.com. Complainant has used the name “Dafa” for 12 years in varying combinations to designate its online gaming and betting offerings.

Complainant further contends that “Dafabet” is a well-known mark. It is currently the shirt sponsor for the Aston Villa Football Club and an official partner for the Everton Football Club, both playing with the English Premier League (where the Dafabet mark and logo are prominently displayed). Dafabet is also a sponsor of the recently concluded World Snooker Championship. eGaming Review has named Dafabet as 19th among the 40 most influential e-gaming operators in the world.

The websites which Respondent operates under the disputed domain names are basically clones of the Complainant's own "Dafa" websites. For this purpose the Respondent's websites illegally use the Complainant's graphics, images, designs, content and logos. Based on this illegal usage of Complainant's logos, content, images and designs Complainant argues that Respondent is well aware of Complainant rights in the mark "Dafa".

Complainant finally contends that Respondent does not have the right to use the name "dafa" as part of its domain names. Respondent is in no way connected to Complainant, nor is Respondent authorized to use Complainant's intellectual property rights in any way.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that the disputed domain names are confusingly similar to the service mark "DAFA" in which 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 disputed domain names (within the meaning of paragraph 4(a)(ii)of the Policy). The disputed domain names are not being used to host any legitimate site, but merely to present illegal "clones" of Complainant's own website.

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names have been registered and are being used in bad faith (within the meaning of paragraph 4(a)(iii)of the Policy). By using the disputed domain names for "clones" of Complainant's own website Respondent intentionally attempted to attract, for commercial gain, internet users to its own gaming websites, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of this website.

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

The Panel finds that the disputed domain names are confusingly similar to Complainant's "DAFA" trademark cited above. The additional suffixes which Respondent has appended to the "Dafa" mark are either insignificant to the overall impression (for dafagj.com), or are even conceptually in line with Complainant's own domain name "dafa888.com" (for all other disputed domain names).

The Panel finds that Complainant successfully submitted prima facie evidence that Respondent has made no use of, or demonstrable preparations to use, neither of the disputed domain names in connection with a bona fide offering of goods or services, nor is making a legitimate non-commercial or fair use of the disputed domain names, nor is commonly known under the disputed domain names. This prima facie evidence was not challenged by Respondent.

In the absence of a Response, the Panel infers that Respondent had Complainant's trademark in mind when registering the disputed domain names, which were therefore registered and are being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **DAFA0000.COM**: Transferred
2. **DAFA1111.COM**: Transferred
3. **DAFA1188.COM**: Transferred
4. **DAFA2222.COM**: Transferred
5. **DAFA2288.COM**: Transferred
6. **DAFA3333.COM**: Transferred
7. **DAFA3388.COM**: Transferred
8. **DAFA4444.COM**: Transferred
9. **DAFA4488.COM**: Transferred
10. **DAFA5555.COM**: Transferred
11. **DAFA6666.COM**: Transferred
12. **DAFA7788.COM**: Transferred
13. **DAFA9988.COM**: Transferred
14. **DAFAGJ.COM**: Transferred

PANELLISTS

Name	**Dr. Thomas Schafft**

DATE OF PANEL DECISION 2014-07-08

Publish the Decision