Decision for dispute CAC-UDRP-101075

Case number	**CAC-UDRP-101075**
Time of filing	**2015-10-07 12:01:37**
Domain names	**dafa508.com, dafa608.com, dafa628.com, dafa638.com**

Case administrator

Name	**Lada Válková (Case admin)**

Complainant

Organization	**Emphasis Services Limited**

Respondent

Name	**xin facai**

OTHER LEGAL PROCEEDINGS

None

IDENTIFICATION OF RIGHTS

Complainant submitted evidence it is the owner of the following trademarks:

(i) Hong Kong SAR Registered Trademark No. 302048148 "DAFA" (word mark) registered on 3 October 2011;
(ii) Malaysia Registered Trademark No. 2011019075 "DAFA" (word mark) registered on 28 October 2011;
(iii) Registered Community Trademark No. 012067088 "DAFABET" (word mark) registered on 17 January 2014;
(iv) Registered Community Trademark No. 012067138 dafabet logo (figurative mark) registered on 17 January 2014.

The disputed Domain Names were registered on 23 June 2014, i.e. Complainant's trademarks predate the registration of the disputed domain names.

FACTUAL BACKGROUND

Complainant's subsidiaries and licensees provide online gaming and betting services under the mark "DAFA" through websites at www.dafabet.com and dafa888.com, with licences in the UK, Isle of Man and Philippines. Complainant has registered "DAFA" as a trademark inter alia in Hong Kong and Malaysia and sponsors several UK football clubs, as well as other sporting events such as the World Snooker Championships.

Respondent has directed the Domain Names to a website offering gaming services which has been copied from Complainant's websites.

Complainant's cease and desist letter was not answered.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT:

Complainant is of the opinion that the disputed Domain Names are confusingly similar to trademarks and in which it claims to have rights.

Complainant further claims that Respondent has no rights or legitimate interests in respect of the disputed Domain Names. According to Complainant, Respondent has not used the Domain Names in connection with a legitimate use and has not been commonly known by the disputed Domain Names.

Finally, Complainant contends that the Domain Name were registered and being used in bad faith.

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the Domain Names are identical or confusingly similar to trademarks or service marks 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 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 Domain Names incorporate the Complainant's mark "DAFA" in its entirety, adding only numbers (which do not differentiate in the context of gaming) and the generic top level domain name suffix. The Domain Names are confusingly similar to the Complainant's registered and unregistered marks.

Respondent's offering is not bona fide; it is an infringing copy of the Complainant's websites which must be intended to cause confusion. Respondent is not commonly known by the Domain Names. Respondent is not making legitimate non-commercial or fair use of the Domain Names. There is no basis on which Respondent could claim rights or legitimate interests in the Domain Names.

Respondent must have known of Complainant's use of and rights in the mark "DAFA" since it copied Complainant's website. Respondent is using the domain names intentionally to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's marks as to the source, sponsorship, affiliation or endorsement of its website and its services. This constitutes evidence of bad faith registration and use in accordance with paragraph 4(b)(iv) of the UDRP. This presumption is not displaced by any countervailing evidence.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **DAFA508.COM**: Transferred
2. **DAFA608.COM**: Transferred
3. **DAFA628.COM**: Transferred
4. **DAFA638.COM**: Transferred

PANELLISTS

Name	**Jonathan Turner**

DATE OF PANEL DECISION 2015-11-18

Publish the Decision