Decision for dispute CAC-UDRP-100805

Case number	**CAC-UDRP-100805**
Time of filing	**2014-05-27 13:59:59**
Domain names	**dafa999.com**

Case administrator

Name	**Lada Válková (Case admin)**

Complainant

Organization	**Emphasis Services Limited**

Respondent

Name	**dafa li**

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 is the owner of several trademarks, including a Malaysian non-figurative „Dafa“ -trademark with the registration number 2011019075. This mark is also protected in Hong Kong with the registration number 302048148. Both trademarks 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.

Under the name of Asian BGE (Isle of Man) Limited the trademark „Dafabet” is protected (1) as a non-figurative CTM trademark with the registration number 012067088 and (2) as a figurative CTM trademark with the registration number 012067138.

FACTUAL BACKGROUND

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

The Complainant itself and through its subsidiary Asian BGE (Isle of Man) Limited, 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“. The Complainant

has used the name “DAFA” for 12 years in varying combinations to designate its online gaming and betting offerings.

The 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 the 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 the Complainant’s logos, content, images and designs the Complainant argues that the Respondent is well aware of the Complainant rights in the mark „DAFA“.

The Complainant finally contends that the Respondent does not have the right to use the name „DAFA” as part of its domain name. The Respondent is in no way connected to the Complainant, nor is the Respondent authorized to use the 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 name is 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 name (within the meaning of paragraph 4(a)(ii) of the Policy). The disputed domain name is not being used to host any legitimate website, but merely to present an illegal "clone" of Complainant's own website.

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown that the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy). By using the disputed domain name for a "clone" of Complainant's own website the Respondent intentionally attempted to attract, for commercial gain, internet users to its own gaming website, 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 name is confusingly similar to the Complainant's "DAFA" trademark. The additional suffix „999“ which the Respondent has appended to the „DAFA“ trademark is conceptually in line with the Complainant's own domain name „dafa888.com“.

The Panel finds that the Complainant successfully submitted prima facie evidence that the Respondent has made no use of, or demonstrable preparations to use, neither of the disputed domain name 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 name. The Panel find furthermore the Respondent is not commonly known under the disputed domain name. This prima facie evidence was not challenged by the Respondent.

In the absence of a Response, the Panel infers that the Respondent had the Complainant's trademark in mind when registering the disputed domain name, which was therefore registered and is 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. **DAFA999.COM**: Transferred

PANELLISTS

Name	**Prof. Dr. Lambert Grosskopf, LL.M.Eur.**

DATE OF PANEL DECISION 2014-07-21

Publish the Decision