Decision for dispute CAC-UDRP-106112

Case number	CAC-UDRP-106112
Time of filing	2023-12-21 12:02:00
Domain names	chibabank.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	KABUSHIKI KAISHA CHIBA GINKO (THE CHIBA BANK, LTD.)

Complainant representative

Organization	Zacco Sweden AB

Respondent

Name	xu shuaiwei

OTHER LEGAL PROCEEDINGS

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

IDENTIFICATION OF RIGHTS

The Complainant has evidenced to be the owner of numerous trademark registrations relating to its company name and brand CHIBA BANK, including, but not limited, to the following with protection, inter alia, in the People's Republic of China where the Respondent apparently is located:

- Word/device trademark CHIBA BANK, International registration (WIPO), registration No.: 1069081, registration date: December 14, 2010, status: active.

Also, the Complainant has indicated to enjoy rights in the domain name <chibabank.co.jp> which resolves to the Complainant's main website at "www.chibabank.co.jp", used to promote the Complainant's financial goods and services internationally.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed 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 disputed 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 disputed 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

First, the Panel finds that the disputed domain name <chibabank.com> is identical to the Complainant's CHIBA BANK trademark, as it incorporates the latter in its entirety, with no other elements added whatsoever. In this context, UDRP panels widely agree that the applicable Top-Level Domain (TLD) ".com" as such is usually disregarded under the first element confusing similarity test.

Therefore, the Complainant has established the first element under the Policy as set forth by paragraph 4(a)(i).

Moreover, the Complainant contends, and the Respondent has not objected to these contentions, that the Respondent has neither made use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, nor is the Respondent making a legitimate noncommercial or fair use of the disputed domain name, nor is the Respondent commonly known thereunder. The Respondent has not been authorized to use the Complainant's CHIBA BANK trademark, either as a domain name or in any other way. Also, there is no reason to believe that the Respondent's name somehow corresponds with the disputed domain name and the Respondent does not appear to have any trademark rights associated with the term "Chiba Bank" whatsoever. In addition, the Complainant has provided evidence that, at some point before the filing of this Complaint, the disputed domain name redirected to a standard Pay-Per-Click (PPC) website with hyperlinks to a variety of third parties' active websites, some of which belong to the Complainant's direct competitors on the financial market. UDRP panels have found that the generation of PPC revenues by using a domain name that is even identical to a well-reputed trademark (as in the case at hand), neither qualifies as a bona fide offering of goods or services nor as a legitimate noncommercial or fair use under the UDRP. Accordingly, the Panel has no difficulty in finding that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

Therefore, the Complainant has also satisfied paragraph 4(a)(ii) and, thus, the second element of the Policy.

Third, the Panel holds that the disputed domain name was registered and is being used by the Respondent in bad faith. It is obvious from the circumstances to this case that the Respondent was well aware of the Complainant's rights in the CHIBA BANK trademark when registering the disputed domain name, and that the latter is directly targeting such trademark. Therefore, letting the disputed domain name, which is even identical to the Complainant's well-reputed CHIBA BANK trademark, resolve to a typical PPC website which shows a variety of hyperlinks to third parties' active websites (including the Complainant's direct competitors on the financial market) for the obvious purpose of generating PPC revenues, is a clear indication that the Respondent intentionally attempted to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusion with the Complainant's CHIBA BANK trademark as to the source, sponsorship, affiliation or endorsement of this website. Such circumstances are evidence of registration and use of the disputed domain name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

Therefore, the Complainant has also satisfied the third element under the Policy as set forth by paragraph 4(a)(iii).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **chibabank.com** : Transferred

PANELLISTS

Name	**Stephanie Hartung**

DATE OF PANEL DECISION 2024-01-24

Publish the Decision