Decision for dispute CAC-UDRP-107246

Case number	CAC-UDRP-107246
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Domain names	3dbambulab.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	BAMBULAB LIMITED

Complainant representative

Organization	Thomsen Trampedach GmbH

Respondent

Name	Darell Wills

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 is the owner of multiple trademarks for BAMBU LAB including:

EUIPO 018584524, BAMBU LAB, registered from February 2022, in class 7,17, 35;
Chinese trademarks 58313325, 58330526, 58343198, from August 2021, in class 7,17, 35.
UK trademark 3712903, from October 2021, in class 7, 17, 35.

FACTUAL BACKGROUND

Complainant, BAMBULAB LIMITED states that it is a consumer tech company focusing on desktop 3D printers. Starting with the X1 series, Bambu Lab builds state-of-the-art 3D printers that break the barriers between the digital and physical worlds, bringing creativity to a whole new level. It states further that Bambulab is a fast-rising player in 3D industry depside it was established only in 2020.

On 10 November 2022, TIME Magazine highlighted the most impactful new products and ideas in which it honored the Bambu Lab X1 Series of 3D printers in the year's Best Inventions. In 2023 and 2024, CNET, a well-respected and trustworthy tech review provider, rated the Bambulab 3D printer as the best in various categories among other models. Bambulab is not only the business name of the 3D printer producer but also a well-protected trademark in multiple jurisdictions.

Complainant states that at 3D Bambu Lab, we are passionate innovators leading the way in 3D printing technology. Our mission is to transform how creators, businesses, and industries approach manufacturing and design. We offer high-performance 3D printers that deliver precision and speed, catering to the needs of professionals, hobbyists, and forward-thinking creators.

With years of experience, we know that the right tools unlock endless potential. Our lineup, from the cutting-edge X1 Carbon to the versatile A1 Combo, is designed for various expertise levels. Whether producing engineering parts, intricate models, or creative designs, 3D Bambu Lab provides the perfect solution to bring your ideas to life with precision.

PARTIES CONTENTIONS

COMPLAINANT

Complainant has been known as the creator of the term "Bambulab" and has gained the exclusive right of the word "bambulab" in 3D printer business in 2020. The disputed domain name <3dbambulab.com> explicitly incorporates "Bambulab" the core element of the trademark. The additional character "3d" is a generic term standing for "three-dimensional," a fundamental concept in geometry and various fields like computer graphics, design, and printing. "3D" is widely used to describe various objects, technologies, and experiences. it does not significantly alter the visual perception of the core part of the domain name, rather highlight the unique features of the brand and business. Conceptually, the core element "bambulab" in both the trademark and the domain name conveys the same idea or brand identity.

The disputed domain name was registered on September 9, 2024 It is virtually identical to the Complainant’s trademark. The addition of “3d” identifies the product for which the Complainant is known and calls attention to the infringement of Complainants BAMBU LAB mark. Consumers or internet users might initially be confused or misled into believing that <3dbambulab.com" is associated with or endorsed by the Complainant.

The disputed domain name is redirected to a webpage impersonating the Complainant's official website, on which several models of Complainant's 3D printers as well as accessories are offered for sale.

RESPONDENT

Respondent has not appeared in this proceeding.

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

Pursuant to the Policy, paragraph 4(a), a complainant must prove each of the following to justify the transfer of a domain name:

(i) the domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;

(ii) the respondent has no rights or legitimate interests in respect of the domain name; and
(iii) the respondent has registered and is using the domain name in bad faith.

Paragraph 5(c)(i) of the Rules instruct the respondent to: "respond specifically to the statements and allegations contained in the complaint and include any and all bases for the Respondent (domain name holder) to retain registration and use of the disputed domain name ..." Notwithstanding Respondent's default, however, Complainant is not relieved from the burden of establishing its claim. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, 3.0, § 4.3: "Noting the burden of proof on the complainant, a respondent's default (i.e., failure to submit a formal response) would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true." However, if a complainant's adduced evidence supports any element of the Policy, a respondent has an opportunity to contest the contention that its registration of the challenged domain name was unlawful.

In view of the Respondent's failure to submit a response, the Panel shall decide this administrative proceeding on the basis of the Complainant's undisputed representations pursuant to paragraphs 5(f), 14(a) and 15(a) of the Rules and draw such inferences it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable allegations and inferences set forth in the Complaint as true unless the evidence is clearly contradictory. See Vertical Solutions Mgmt., Inc. v. webnet-marketing, inc., FA 95095 (FORUM July 31, 2000) (holding that the respondent's failure to respond allows all reasonable inferences of fact in the allegations of the complaint to be deemed true); see also Talk City, Inc. v. Robertson, D2000-0009 (WIPO February 29, 2000) ("In the absence of a response, it is appropriate to accept as true all [reasonable] allegations of the Complaint."). Here, Respondent has not availed itself of contesting the evidence, and for the reasons further explained the disputed domain name shall be transferred to the Complainant's account.

Identical or confusingly similar, §4(a)(i).

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name, WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("WIPO Overview 3.0"), section 1.7. Here,

Complainant has demonstrated that it has registered trademark rights in several jurisdictions to the term BAMBU LAB.

Having established that element of the Policy the next question is whether the disputed domain name is identical or confusingly similar to Complainant's mark. A side-by-side comparison of the disputed domain name and the BAMBU LAB trademark indicates that disputed domain name adds "3d" to the second level domain. While not identical to Complainant's mark <3dbambulab.com> is confusingly similar to Complainant's trademark. See Bloomberg Finance L.P. v. Nexperian Holding Limited, Claim No. FA 782013 (Forum June 4, 2018) (holding that where the "relevant trademark is recognisable within a disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) does not prevent a finding of confusing similarity under the first element."

At the threshold it is necessary only to consider "whether a domain name is similar enough in light of the purpose of the Policy to justify moving on to the other elements of a claim for cancellation or transfer of a domain name." The Panel in Nicole Kidman v. John Zuccarini, d/b/a Cupcake Party, D2000-1415 (WIPO January 23, 2001) explains that "numerous prior panels have held [the purposes of the Policy are satisfied] when a domain name wholly incorporates a complainant's registered mark." Similarly, Magnum Piering, Inc. v The Mudjackers and Garwood S. Wilson, Sr., D2000-1525 (WIPO January 21, 2001). Panelists generally disregard the top-level suffixes as functional necessities; thus, the top-level extension is irrelevant in determining the issue under the first requirement of the Policy.

Having demonstrated that the disputed domain name is confusingly similar to Complainant's BAMBU LAB trademark the Panel finds Complainant has satisfied Para. 4(a)(i) of the Policy.

Rights and legitimate interests, Para. 4(a)(ii)

Under paragraph 4(a)(ii) of the Policy, a complainant has the burden of establishing that a respondent lacks rights or legitimate interests in respect of the disputed domain name, but this burden is light. It is sufficient in the first instance for Complainant to allege a prima facie case, and if the evidence presented is conclusive or yields a positive inference that Respondent lacks rights or legitimate interests, the burden shifts to Respondent to rebut that presumptive proof.

According to the Complainant, Respondent lacks rights or legitimate interests in the disputed domain name. It has not granted Respondent permission to use the BAMBU LAB trademark. Instead, Respondent is using the disputed domain name to resolve to a website impersonating Complainant's website and offering or appears to be offering and thereby duping consumers that it is offering Complainant's 3d products and accessories. Respondent is not commonly known by the disputed domain name and it is not using the disputed domain name for a bona fide offering of goods or services, or a legitimate noncommercial or fair use.

This concept of shifting burdens is clearly explained in Croatia Airlines d.d. v. Modern Empire Internet Ltd., Case Number D2003-0455 in which the Panel held that "[s]ince it is difficult to prove a negative ... especially where the Respondent, rather than complainant, would be best placed to have specific knowledge of such rights or interests—and since Paragraph 4(c) describes how a Respondent can demonstrate rights and legitimate interests, a Complainant's burden of proof on this element is light."

Once the complainant makes such prima facie showing, "the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with evidence rebutting the prima facie case or showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP,"

Malayan Banking Berhad v. Beauty, Success & Truth International, Case No. D2008-1393. Finally, "in the absence of direct evidence, complainant and the panel must resort to reasonable inferences from whatever evidence is in the record," Euromarket Designs, Inc. v. Domain For Sale VMI, Case No. D2000-1195.

Once the burden shifts, Respondent has the opportunity of demonstrating its right or legitimate interest by showing the existence of any of the following nonexclusive circumstances:

(i) before any notice to you [respondent] of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) you [respondent] (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or

(iii) you [respondent] are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

If a respondent proves any of these circumstances or indeed anything else that shows it has a right or legitimate interest in the domain name, the complainant will have failed to discharge its onus and the respondent must succeed. However, where respondent fails to respond, the Panel must assess the record before it.

Here, the Respondent has not appeared to rebut Complainant’s offer of proof. Its choice of the domain name is confusingly similar to the trademark. Complainant has shown that Respondent is not authorized to register the disputed domain name, does not have any business relationship with the Complainant that would support a defense under para. 4(c)(i) of the Policy, and is not making a “legitimate noncommercial or fair use of the domain name.”

Further, the evidence in the record is conclusive that Respondent is a Darell Wills who is not commonly known under the disputed domain name. See Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II v. Chad Moston / Elite Media Group, Case Number FA1804001781783 ("Here, the WHOIS information of record identifies Respondent as "Chad Moston / Elite Media Group." The Panel therefore finds under Policy 114(c)(ii) that Respondent is not commonly known by the disputed domain name under Policy para. 4(c)(ii)"); Amazon Technologies, Inc. v. Suzen Khan / Nancy Jain / Andrew Stanzy, Case Number FA 1741129 (finding that respondent had no rights or legitimate interests in the disputed domain names when the identifying information provided by WHOIS was unrelated to the domain names or respondent's use of the same).

Since there is no proof otherwise, the record supports the conclusion that Respondent lacks any right or legitimate interest as measured by the three circumstances of paragraph 4(c). See Deutsche Telekom AG v. Britt Cordon, Case No. D2004 -0487 (holding that "once a complainant establishes a prima facie case that none of the three circumstances establishing legitimate interests or rights applies, the burden of production on this factor shifts to the Respondent. If the respondent cannot do so, a complainant is deemed to have satisfied paragraph 4(a)(ii) of the UDRP"). Similarly in Malayan Banking Berhad, supra. (holding that "[i]f the respondent fails to come forward with evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.").

According to “WIPO Jurisprudential Overview 3.0” section 2.5.1,"Even where a domain name consists of a trademark plus an additional term (at the second- or top-level), UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner."

Accordingly, as the Panel finds that Complainant has demonstrated that Respondent lacks rights or legitimate interests in the disputed domain name it has satisfied Paragraph 4(a)(ii) of the Policy.

Registered and Used in Bad Faith, Para. 4(a)(iii)

Having determined that Respondent lacks rights or legitimate interests, the Complainant must then prove on the balance of probabilities both that the disputed domain name was registered in bad faith and that it is being used in bad faith. The consensus expressed in WIPO Overview 3.0, section 3.1.4. is that "the mere registration of a domain name that is identical or confusingly similar . .. to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith."

Paragraph 4(b) of the Policy sets out four nonexclusive circumstances, any one of which is evidence of the registration and use of a domain name in bad faith, although other circumstances may also be relied on, as the four circumstances are not exclusive.

The four specified circumstances are:

(i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or

(ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or

(iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to the respondent's website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the site or location.

The Panel finds that the Complainant has shown that the Respondent registered and is using the disputed domain name in bad faith both in general and in particular because the Respondent's conduct puts the case squarely within paragraph 4(b)(iv) as well as within the larger notion of abusive conduct. The Panel finds that Complainant has adduced more than sufficient evidence to prove Respondent's bad faith based on the foregoing considerations.

In particular, the dispute domain name is redirected to a webpage impersonating the Complainant's official website, on which several models of Complainant's 3D printers as well as accessories can be purchased. As highlighted in “WIPO Jurisprudential Overview 3.0” section 2.13.1, Impersonation falls in the category of illegal activity and can never confer rights or legitimate interests on a respondent. Also see WIPO Case No. D2004-1019, <wwwprada.com>.

The registration of a domain name virtually identical to Complainant’s mark is clearly intended to attract Internet users seeking to reach Complainant's website and creating a "likelihood of confusion with the complainant's mark." Where the facts demonstrate an intent to capitalize on an owner's mark in the manner in which Complainant describes and which is supported by proof in the record, the registration is prima facie abusive. Royal Bank of Canada - Banque Royale Du Canada v. Registration Private, Domains By Proxy, LLC / Randy Cass, Case No. D2019-2803 (<investease.com>. "It is clear that where the facts of the case establish that the respondent's intent in registering or acquiring a domain name was to unfairly capitalize on the complainant's nascent .. . trademark, panels have been prepared to find the respondent acted in bad faith. "). See WIPO Overview 3.0, section 3.8.2.

Accordingly, the Panel finds that Respondent has registered and used the disputed domain name in bad faith and that its conduct firmly supports the conclusion that the registration of <3dbambulab.com> was abusive. Having thus demonstrated that Respondent registered and is using the disputed domain name in bad faith, Complainant has also satisfied paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **3dbambulab.com**: Transferred

PANELLISTS

Name	**Gerald Levine Ph.D, Esq.**

DATE OF PANEL DECISION 2025-02-24

Publish the Decision