

Decision for dispute CAC-UDRP-107250

Case number CAC-UDRP-107250

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Domain names bambulabs.com

Case administrator

Name Olga Dvořáková (Case admin)

Complainant

Organization BAMBULAB LIMITED, (shen zhen tuo zhu ke ji you xian gong si)

Complainant representative

Organization Thomsen Trampedach GmbH

Respondent

Name HuaiJin Hu

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 claims that Bambulab is not only the business name of the 3D printer producer but also a well-protected trademark in multiple jurisdictions. The Complainant is the owner of the following BAMBULAB trademark registrations:

- EU trademark #018584524, registered from 15 February 2022, in class 7,17, 35;
- CN trademark #58313325, registered from 28 May 2022, in class 7;
- CN trademark #58330526, registered from 14 February 2022, in class 17;
- CN trademark #58343198, registered from 7 July 2022, in class 35;
- UK trademark #3712903, registered from 14 January 2022, in class 7, 17, 35;
- US trademark #7044602, registered from 2 May 2023, in class 7.

FACTUAL BACKGROUND

The Complainant, Bambulab Limited (), is a consumer technology company focusing on desktop 3D printers. Starting with the X1 series, it builds state-of-the-art 3D printers that break the barriers between the digital and physical worlds, bringing creativity to a whole new level. The headquarters of the company is located in Shenzhen, China, and the Chinese name of the company is which literally means "expanding bamboo." This name was chosen to reflect the company's goal of expanding the use of 3D printing technology.

The name "Bambu" is a play on the word "bamboo," which is a type of grass that is known for its strength and flexibility. The company chose this name because it wanted to convey the idea that its printers are strong and reliable, yet also flexible and adaptable.

Bambulab is a fast-rising player in the 3D industry despite it was established only in 2020.

On 11 November 2022, the TIME Magazine highlighted the most impactful new products and ideas and honored the Bambu Lab X1 Series of 3D printers in the year's Best Inventions.

In 2023 and 2024, CNET rated the Bambulab 3D printer as the best in various categories among other models.

On Google, all the search results of "bambulab" of 3D printing are linked to the Complainant, Bambulab.

Bambulab 3D printers have also been reported in different media reports.

Therefore, the Complaint has been known as the creator of the term "Bambulab" and has gained the exclusive right of the word "bambulab" in the 3D printer business since 2020.

The Respondent appears to be an individual based in Yue Yang, China.

The disputed domain name was initially created by another registrant on 7 March 2012 and subsequently transferred to the Respondent from Hudedomain around January 2024.

PARTIES CONTENTIONS

The Complainant contends that:

- the Respondent acquired the disputed domain name later than the registration date of the Complainant's trademark;
 - the language of proceeding should be English;
 - the disputed domain name is confusingly similar to the Complainant's BAMBULAB trademark;
 - the Respondent does not have any rights or legitimate interests in the disputed domain name; and
 - the disputed domain name has been registered and is being used in bad faith.
- The Respondent contends that:

the disputed domain name is not identical to the Complainant's BAMBULAB trademark and the trademark is not globally well-known;

- the BAMBULAB trademark is not distinctive;
- the disputed domain name was registered in 2012 which is well before the registration of the Complainant's BAMBULAB trademark;
- the Respondent has never contacted the Complainant nor attempted to sell the disputed domain name to the Complainant;
- the demand of transferring the disputed domain name to the Complainant for free was rejected by the Respondent; and
- the Respondent alleges that the present Complaint was brought in bad faith and constitutes Reverse Domain Name Hijacking.

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).

The Complainant claims rights in the BAMBULAB mark through its trademark registrations. By virtue of its trademark registrations, the Complainant has proved that it has rights in the mark under paragraph 4(a) of the Policy. See *Avast Software s. r. o. v Milen Radumilo*, 102384, (CAC 2019-03-12).

The Complaint further alleges that the disputed domain name reproduces the BAMBULAB trademark and the additional character "s" does not significantly alter the visual perception of the prominent part of the disputed domain name.

- Complainant's trademark: BAMBULAB.
- Complainant's primary domain name: <bambulab.com>.
- The disputed domain name: <bambulabs.com>.

The Respondent rebuts that the disputed domain name is not identical to the Complainant's BAMBU LAB trademark and the BAMBU LAB trademark is not well-known.

The Panel accepts that the prominent part of the disputed domain name is confusingly similar to Complainant's BAMBULAB trademark, and the additional character "s" does not reduce the similarity between the disputed domain name and Complainant's BAMBULAB trademark for the purposes of paragraph 4(a)(i) of the Policy. See *BOLLORE v. Tom Fey*, 101790 (CAC 2018-01-17) ("Furthermore, the mere addition of the common plural signifier "s" does not avoid the confusing similarity between the Disputed domain name and the mark (see, for example, WIPO case No. D2014-1859).") See also *Bambulab GmbH v. Ondřej Stržteský*, 106003 (CAC 2024-01-18) ("The disputed domain name is confusingly similar to the Complainant's trademark "MakerWorld". Merely using the plural form instead of the trademark's original singular form does not change the overall impression of the designation as being almost identical to the trademark "MakerWorld".")

In addition, the Panel wants to highlight that under paragraph 4(a)(i) of the Policy, the comparison between the disputed domain name and the Complainant's valid trademark registration is an objective test which means whether a reasonable man would agree the disputed domain name is identical or confusingly similar to Complainant's trademark. The registration date of the trademarks and disputed domain name, jurisdiction of the trademark registrations, and whether the trademark is an internationally famous trademark are all irrelevant to the comparison under the paragraph 4(a)(i) of the Policy, see paragraph 1.1.2 of the WIPO Overview 3.0 ("Noting in particular the global nature of the Internet and Domain Name System, the jurisdiction(s) where the trademark is valid is not considered relevant to panel assessment under the first element. Also, the goods and/or services for which the mark is registered or used in commerce, the filing/priority date, date of registration, and date of claimed first use, are not considered relevant to the first element test. These factors may however bear on a panel's further substantive determination under the second and third elements.").

For the foregoing reasons, the Panel finds the Complainant has satisfied 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). More specifically, the Complainant must first make a prima facie case that the Respondent lacks rights and legitimate interests in the disputed domain name, and the burden of proof then shifts to the Respondent to show it does have rights or legitimate interests. See *PepsiCo, Inc. v Smith power production*, 102378, (CAC 2019-03-08) ("The Panel finds that the Complainant has made out a prima facie case that arises from the considerations above. All of these matters go to make out the prima facie case against the Respondent. As the Respondent has not filed a Response or attempted by any other means to rebut the prima facie case against it, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.").

The Complainant contends that the Complainant has not granted the Respondent any authorization to use the trademark and there is no relationship between the 2 parties. The Complainant is not aware of any trademark registration or application owned by the Respondent. The disputed domain name resolved to a pay-per-click page displaying content related to the Complainant.

The Panel finds that the Complainant has established a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name as pay-per-click links on the website do not constitute a bona fide offering of goods and services or a legitimate non-commercial or fair use of the disputed domain names, see paragraph 2.9 of the WIPO Overview 3.0 ("Applying UDRP paragraph 4(c), panels have found that the use of a domain name to host a parked page comprising PPC links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users."). The burden of proof has been shifted to the Respondent to prove that it has right or legitimate interests in the disputed domain name.

The Respondent rebuts that the term "bambu" is not distinctive and could mean bamboo in different languages. Similarly the other term "labs" is a common English word that may refer to laboratories or research. The Panel notes that the Complainant is the owner of the both trademarks BAMBULAB and BAMBU LAB, so the analysis of the Complainant's trademark term should be on the whole mark BAMBULAB instead of "bambu" and "lab". The Panel also referred to numerous UDRP decisions including those related to Facebook which the entire term FACEBOOK was taken into account. On this basis, the Panel does not accept that BAMBULAB is a dictionary word. Even if BAMBULAB is considered as a dictionary word, it does not automatically mean that the Respondent has rights or legitimate interests with respect to the disputed domain name due to lack of genuine use of the disputed domain name. See paragraph 2.10 of the WIPO Overview 3.0 ("Panels have recognized that merely registering a domain name comprised of a dictionary word or phrase does not by itself automatically confer rights or legitimate interests on the respondent; panels have held

that mere arguments that a domain name corresponds to a dictionary term/phrase will not necessarily suffice. In order to find rights or legitimate interests in a domain name based on its dictionary meaning, the domain name should be genuinely used, or at least demonstrably intended for such use, in connection with the relied-upon dictionary meaning and not trade off third-party trademark rights.")

Having considered the overall circumstances, the Panel decides that the Respondent failed to prove that it has right or legitimate interests in the disputed domain name.

For the foregoing reasons, the Panel finds the Complainant has satisfied 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).

The Complainant reiterates that although the disputed domain name was originally created in 2012 by another registrant, the Respondent acquired the disputed domain name from Hudedomain around Jan 2024 which is after the registration of Complainant's BAMBULAB trademark. Since 2020, the Complainant has been an up emerging player in the 3D printer industry and reported by multiple media sources. Furthermore, both parties are located in China where the Complainant applied the first trademark. It is difficult to believe that the Respondent acquired the disputed domain name almost identical to the trademark from a domain marketplace without having any actual knowledge. In some scenarios, the disputed domain name resolved to a parking page displaying the relevant industry and products.

The Respondent rebuts that the disputed domain name was registered in 2012 which is well before Complainant's trademark registration. Subsequently, the Respondent acquired the disputed domain name via Hudedomain. During its ownership, the disputed domain name remained parked and for sale. The disputed domain name has never been used for activities infringing upon the Complainant's rights, nor has it been associated with the Complainant's trademark in any way or for profit.

Paragraph 3.9 of the WIPO Overview 3.0 states that "... the mere renewal of a domain name registration by the same registrant is insufficient to support a finding of registration in bad faith. On the other hand, the transfer of a domain name registration from a third party to the respondent is not a renewal and the date on which the current registrant acquired the domain name is the date a panel will consider in assessing bad faith. This holds true for single domain name acquisitions as well as for portfolio acquisitions."). The Panel also takes note of the landmark case in China, Tencent Holdings Limited v. Li ming, HK-1500816 (ADNDRC 29-01-2016), which upholds the same principle. See also Ticketmaster Corporation v. Global Access, D2007-1921, (WIPO February 13, 2008) ("Assuming without deciding that Respondent's assertions are true, Respondent is the registrant of the domain name for purposes of the Policy as at the date of the acquisition of the portfolio, which according to Respondent was "recently". At the time that Respondent contemplated the acquisition, Respondent either could have exercised due diligence, at which time it should reasonably have discovered the domain name at issue and Complainant's trademark rights and the fact that the domain name at issue was being used to resolve to a website at which services directly competitive with those offered by complainant were being offered, or Respondent could have required that the seller furnish Respondent with representations and warranties sufficient to indemnify Respondent in the event that a domain name and its use violated a third party's intellectual property rights. Based solely on Respondent's assertions, the Panel assumes without deciding that Respondent did the latter.")

Based on the facts asserted by the both parties, the Panel finds that the disputed domain name was likely registered by the Respondent around 2024 which is after the Complainant registered its BAMBULAB in 2022. The Panel also takes the location of the both parties into account, the Respondent is more likely than not to have prior knowledge of the Complainant's trademark and brand before acquiring the disputed domain name from the trading platform. Furthermore, as stated by the Respondent that the disputed domain name remained parked and for sale throughout its ownership which is considered as the use of the disputed domain name in bad faith, see BASF SE v. JP Barkley, 106655 (CAC 2024-08-14). Moreover, the pay-per-click (PPC) content generated by the disputed domain name also evinces the use of the disputed domain name in bad faith.

For the foregoing reasons, the Panel finds the Complainant has satisfied 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.

PRELIMINARY FINDINGS - LANGUAGE OF PROCEEDING:

The Panel notes that the language of the Registration Agreement is Chinese as confirmed by the Registrar. The official Complaint was submitted in English and the Respondents submitted an official Response in English as well. Pursuant to paragraph 11 of the Rules, unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.

The Complainant requests to use English as the language of proceeding, with the arguments that the disputed domain name was redirected to a website with only English language and the Respondent responded to the Complainant's dispute notification via email in English.

The Panel is bilingual and is well-equipped to deal with the proceeding in both Chinese and English. Having considered the overall circumstances, the Panel believes that it would be fair to both parties to use English as the language of proceeding and it can also uphold the principle of UDRP being a swift dispute resolution process. On this basis, the Panel determines that the language requirement has been satisfied and decides that the language of proceeding to be English.

PRELIMINARY FINDINGS - REVERSE DOMAIN NAME HIJACKING (RDNH)

Paragraph 15(e) of the Rules provides that "if the Panel concludes that the dispute is not within the scope of Paragraph 4(a) of the Policy, it shall so state. If after considering the submissions the Panel finds that the complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking or was brought primarily to harass the domain name holder, the Panel shall declare in its decision that the complaint was brought in bad faith and constitutes an abuse of the administrative proceeding."

In the present case, the Respondent claims that the Complainant, relying on a trademark that does not constitute a globally well-known brand, has maliciously initiated this domain dispute, attempting to hijack the disputed domain name through abuse of policy. The Complainant has made false statements and provided incomplete evidence, which constitutes a serious abuse of the Policy. The Respondent further asserts that as a company represented by an intellectual property law firm, the Complainant should be aware that fabricating facts and providing incomplete evidence is an abuse of the domain name dispute resolution process.

The Panel is of the view that considering both parties are based in China, the Complainant is not required to be a globally well-known brand to succeed in the present case. In addition, there is no evidence provided by the Respondent to support that the Complainant has made false statements or provided incomplete evidence. Pursuant to paragraph 4.16 of the WIPO Overview 3.0 and given that the Complainant has successfully proved all the three elements under paragraph 4(a) of the Policy, the Panel does not find that the Complainant attempted Reverse Domain Name Hijacking within the meaning of the Rules.

PRINCIPAL REASONS FOR THE DECISION

Having established all three elements required under the UDRP Policy, the Panel concludes that relief shall be granted and the disputed domain name shall be transferred from the Respondent to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **bambulabs.com**: Transferred

PANELLISTS

| | |
|------|---------------------|
| Name | Mr Paddy TAM |
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DATE OF PANEL DECISION **2025-02-21**

Publish the Decision
