



香港國際仲裁中心

Hong Kong International Arbitration Centre

.hk Domain Name Dispute Resolution

ARBITRATION PANEL DECISION

Case ID:	DHK-0700027
Disputed Domain Name:	weinisi.hk
Complainant:	Las Vegas Sands Corp.
Respondent:	Lin Qingyue

PROCEDURAL HISTORY

On the 10th December 2007, the Complaint, through its authorized representative, Allens Arthur Robinson, submitted a Complaint to the Hong Kong International Arbitration Centre ("HKIAC") pursuant to the HKDNR Domain Name Dispute Resolution Policy, adopted by the Hong Kong Domain and Name Registration Company Limited (HKDNR) on the 30th November 2006 ("The Dispute Resolution Policy"), the HKDNR Domain Name Dispute Resolution Policy Rules of Procedure, approved by HKDNR on the 30th November 2004 ("The Rules of Procedure") and HKIAC Supplemental Rules. The requisite administrative fee having been paid, the Respondent was notified on the 15th January 2008 of the Complaint and given 15 business days from the 15th January 2008 to submit a response to the Complainant.

No response having been received, the parties were notified on the 18th February 2008 that I had been appointed after I had confirmed my independence and impartiality in respect of acting in this matter.

The case having been transferred to me, I find that the Panel has been properly constituted and appointed in accordance with the Rules recited above.

I have not received any request from the Complainant or the Respondent regarding further submissions, waivers or extensions of deadlines.

CLAIMANT'S POSITION

The Complainant's position is that the Respondent has deliberately set up a fraudulent website using the disputed domain name with a view to capitalizing on the fame and value of the Complainant's VENETIAN trademark. The Complainant, its subsidiaries and affiliates, own and have used the VENETIAN trademark and its variants for the VENETIAN casino, hotel and resort and for related goods since 1997 in the United States. Complainant had registered its mark and variants in Hong Kong in 2006 and in Macao in 2003. Applications have been filed in China and are pending. Complainant has recently built a casino in Macao which mirrors the style and grandeur of its casino in Las Vegas but it is in fact the largest structure in Asia and is larger than its American counterpart. As Complainant sets out, on its grand opening on the 28th August 2007, there were 100 visitors in the first 24 hours and more than a million visitors in the first 17 days of operation. The domain name in dispute utilizes the word which the local people in Hong Kong and Macao use when referring to the new resort. It is also the recognized Chinese version of the name of the city of Venice. Complainant sets out that the domain is not being used for any *bona fide* offering of services, rather, on the contrary, it has utilized large portions of the legitimate website owned by Complainant for, as Complainant describes, fraudulent purposes. Investigations reveal that the phone numbers and addresses set out in the website established under the disputed domain name are fake.

Accordingly, Complainant maintains that the domain name is identical or confusingly similar to its own trademark, that Respondent has no rights or legitimate interests in

respect of the domain name, the domain name is not being used for any *bona fide* offering of services and is in fact being used in bad faith.

THE RESPONDENT'S POSITION

The Respondent did not provide any response or participate in any way.

FINDINGS

I find that:-

- (i) The disputed domain name which was registered by the Respondent is identical and confusingly similar to the trademark or service in which the Complainant has rights;
- (ii) The Respondent has no right or legitimate interest in respect of the disputed domain name.
- (iii) The disputed domain name has been registered and used in bad faith by the Respondent.

REASONS

- (i) Identical and Confusingly Similar

The Complainant has provided substantial evidence of its right in the mark VENETIAN. I have been provided with the Hong Kong Certificate of Registration pursuant to the Trademarks Ordinance and also details of its worldwide registration which are extensive. I find that the domain name registered by the Respondent is the Chinese translation of the Complainant's trademark and so is effectively identical and confusingly similar.

(ii) Respondent Has No Rights or Legitimate Interests in Respect of Domain Name

The content of the Respondent's website clearly demonstrates activity which a legitimate user would not contemplate. To have effectively replicated the Complainant's website under this domain name and then have ineffective contact details can only lead to the conclusion that the Respondent can have no rights or legitimate interest in the domain name.

(iii) Bad Faith

Given what I have set out above, I have little doubt that there was bad faith on the part of the Respondent in establishing the website where it seeks to advertise the business of Complainant for no discernable benefit, particularly given that the telephone number and the address on the website, the main discernable difference in the content, do not even allow one to talk to someone from Respondent. There is a suggestion of phishing in order to obtain contact details of people seeking employment with Complainant. However, whatever the intent, the website established under the dispute domain name was clearly done so with bad faith towards Complainant.

STATUS

weinisi.hk

Domain Name Transfer

DECISION

I conclude that the disputed domain name "weinisi.hk" is effectively identical to the mark used by the Complainant in the course of its business, that the Respondent has no rights or legitimate interests in respect of the domain name and that the disputed domain name has been registered and used in bad faith. Therefore, pursuant to paragraph 4(i) of the

Dispute Resolution Policy, I hereby order that the registration of the domain name “weinisi.hk” be transferred to the Complainant, Las Vegas Sands Corporation.

Dated this 27th day of February 2008.

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JEFFREY P. ELKINSON
PANELIST