

**HONG KONG INTERNATIONAL ARBITRATION CENTRE**

**.hk Domain Name Dispute Resolution**

**ARBITRATION PANEL DECISION**

**Case No. DHK-1300103**

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Complainant: **TPR Education IP Holdings, LLC**

Respondent: **Shenyang JunBo JiaoYu WenHua JiaoLiu HeZuo  
YouXianGongSi**  
(沈阳俊博教育文化交流合作有限公司)

Case Number: **DHK-1300103**

Contested Domain Name: **princetonreview.hk**

Panel Member: **Christopher To**

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**1. Parties and Contested Domain Name**

The Complainant is TPR Education IP Holdings, LLC of 111 Speen Street, Suite 550, Framingham, Massachusetts, 01701, the United States of America.

The Respondent is Shenyang JunBo JiaoYu WenHua JiaoLiu HeZuo YouXianGongSi of Zhuoyue Building 908, No. 10, Huigong Street, Shenhe District, Shenyang City, China 110000.

The Contested Domain Name is <[princetonreview.hk](http://princetonreview.hk)> (“*Disputed Domain Name*”).

The Registrar of the *Disputed Domain Name* is the Hong Kong Domain Name

Registration Company Limited (the “**HKDNR**”), which is located at Unit 2002-2005, 20/F FWD Financial Centre, 308 Des Voeux Road Central, Sheung Wan, Hong Kong.

## **2. Procedural History**

On 18 October 2013, pursuant to the **HKDNR** Domain Name Dispute Resolution Policy (“**Policy**”), the **HKDNR** Domain Name Dispute Resolution Policy Rules of Procedure (“**Rules**”) and the Hong Kong International Arbitration Centre Supplemental Rules (“**Supplemental Rules**”), the Complainant submitted a complaint in the English language to the Hong Kong International Arbitration Centre (“**HKIAC**”), and elected to have the case in question be dealt with by a one-person panel.

On 18 October 2013, the **HKIAC** notified the Hong Kong Domain Name Registration Company Ltd (“**the Registrar**”) of the **Disputed Domain Name** proceedings by email. From this, the **HKIAC** requested the **Registrar** to provide the following information, namely:

“

1. *Whether you have received a copy of the Complaint from the Complainant;*
2. *Whether the domain name(s) is/are registered with your company;*
3. *Whether the Respondent ‘Shenyang JunBo JiaoYu WenHua JiaoLiu HeZuo YouXianGongSi’ (沈阳俊博教育文化交流合作有限公司) is the Registrant or holder of the disputed domain name(s);*
4. *Whether the Domain Name Dispute Resolution Policy for .hk and .*

*香港 domain name is applicable to the current dispute;*

5. *Whois information regarding the disputed domain name(s);*
6. *Please provide us the Status of the domain name”*

In the meantime, the **HKIAC** reminded the **Registrar** to take appropriate action towards the **Disputed Domain Name**, namely, <[princetonreview.hk](http://princetonreview.hk)> in accordance with the rules stipulated by the **Policy**, such as prohibiting the **Disputed Domain Name** from being transferred to a third party.

On 18 October 2013, the **HKIAC** notified the Complainant that they received the Complaint concerning the **Disputed Domain Name**, namely, <[princetonreview.hk](http://princetonreview.hk)>. The **HKIAC** requested the Complainant to submit the case filling fee on or before 23 October 2013, in accordance with Article 15 of the **Supplemental Rules** as well as Article 18(c) of the **Rules**. The **HKIAC** also stated that:

*“We have notified the Hong Kong Domain Name Registration Company Ltd. of your Complaint. The case administrator is now in the process of reviewing the Complaint. Once it is in administrative compliance with the Domain Name Dispute Resolution Policy (‘DNDRP’), we shall forward your complaint to the Respondent in accordance with the Rules of DNDRP.”*

On 21 October 2013, the **Registrar** sent an email to the **HKIAC** notifying the **HKIAC** that:

*“In response to your questions, please find the answers below:*

1. *No. We have not received any copy of the complaint from the complainant so far.*
2. *Yes. The domain name is under the management of the registrar, Hong Kong Domain Name Registration Co. Ltd.*
3. *Yes. The domain name holder is a company in China called SHENYANGJUNBOJIAOYUWENHUAJIAOLIUHEZUOYOUXIAN GONGSI (Its Chinese name is 沈阳俊博教育文化交流合作有限公司)*
4. *Yes. HKIRC Dispute resolution Policy for .hk and .香港 domain names is applicable for this domain name.*
5. *According to Section 2a(i) of HKIRC DNDRP Rules of Procedure, we hereby supply to you the billing contact information for this domain, as follows:*

**Billing Contact**

*Organization Name:*

*SHENYANGJUNBOJIAOYUWENHUAJIAOLIUHEZUOYOUXIANGONGSI*

*Contact Name: YONG Geng*

*Address:*

*SHENYANGSHISHENHEQUHUIGONGJIE10HAOZHUYUEDASH9*

*08, China, 110000*

*Phone No.: +086-31061710*

*Fax No.: +086-31061710*

*Email Address: [hkdomain@xinnet.com](mailto:hkdomain@xinnet.com)*

*You can refer to WHOIS at <https://www.hkirc.hk/whois/whois.jsp> for contact information of Administrative and Technical Contacts”*

From this, the **Registrar** confirmed with the **HKIAC** that the Respondent is the registered holder of the **Disputed Domain Name**. As a result, the **HKDNR** Domain Name Dispute Resolution **Policy** is applicable to the **Disputed Domain Name**. The language of the Registration Agreement of the **Disputed Domain Name** is in the English language as provided by the **Registrar**. The **Registrar** also stated that it has converted the status of the **Disputed Domain Name** from “Active” to “BLACKLIST”, which means that the **Disputed Domain Name** could not be transferred and/or deleted until a determination has been made on the matter.

On 21 October 2013, the Complainant notified the **HKIAC** that they had submitted the relevant case filing fee in compliance with Article 15 of the **Supplemental Rules** as well as Article 18(c) of the **Rules**.

On 25 October 2013, the **HKIAC** acknowledged that it had received the case filing fee from the Complainant concerning the **Disputed Domain Name** <princetonreview.hk> within the stipulated timeframe.

On 28 October 2013, the **HKIAC** sent an email to the Complainant stating the following:

*“Dear Sirs,*

*We forward the whois information from the HKIRC. The HKIRC confirmed that the disputed domain name of the captioned case has been locked and no Complaint Form is received from the Complainant.*

*We are reviewing your Complaint concerning <princetonreview.hk> as to whether it is in compliance with the Policy, the Rules and the Supplemental Rules.*

*According to Para 3(b)(xi) of the Rules and Article 5(2) of the Supplemental Rules, the Complainant shall state that a copy of the complaint, including any annexes, together with the cover sheet as prescribed by the Provider’s Supplemental Rules, has been sent or transmitted to the Respondent (domain-name holder), in accordance with Paragraph 2(b).*

*Please indicate to us whether you have served a copy of your Complaint as stated above to the Respondent and the HKIRC ...”*

On 28 October 2013, the Complainant sent a copy of (1) Complaint Transmittal Coversheet together with the duly signed Complaint Form; (2) Exhibits Index Schedule; and (3) Exhibits marked “A” to “O” to the Respondent as well as the Hong Kong Internet Registration Corporation Limited (“**HKIRC**”).

On 29 October 2013, the Complainant sent an email to the **HKIRC** as well as **HKIAC** and stated that:

*“Due to the email size limit, we hereby submit the following documents in three separate emails:*

- 1. Complainant Transmittal Coversheet together with the duly signed Complaint Form;*
- 2. Exhibits Index Schedule; and*
- 3. Exhibits marked A to O”*

On 29 October 2013, the **HKIAC** sent a Notification of Commencement of Proceedings (“**Notification**”) consisting of the Complaint, to the email address of the Respondent’s nominated registrant contact for the **Disputed Domain Name** (as recorded in the Hong Kong Internet Registration Corporation Limited’s WHOIS database “<https://www.hkirc.hk/whois/whois.jsp>”). The Notification gave the Respondent fifteen (15) business days to file a Response (i.e. on or before 19 November 2013).

On 25 November 2013, the **HKIAC** sent an email notifying the Complainant (with a copy to the Respondent) that the Respondent failed to submit a response within the stipulated timeframe (i.e. on or before 19 November 2013).

The Panel comprising of Mr. Christopher To as a single panelist was appointed by the **HKIAC** on 2 December 2013. Papers pertaining to the case were delivered to the Panel by email on 2 December 2013, followed by a hard copy on 4 December

2013.

In accordance with Rule 15(a) of the *HKDNR* Domain Name Dispute Resolution Policy Rules of Procedure, the Panel is of the view that it shall decide the Complaint on the basis of statements and documents submitted.

Also, according to Rule 15(d) of the *HKDNR* Domain Name Dispute Resolution Policy Rules of Procedure and Section 67 of the Hong Kong Arbitration Ordinance (Cap. 609) of the Laws of Hong Kong, this Panel shall issue a reasoned award.

### 3. Factual Background

#### For the Complainant

TPR Education IP Holdings, LLC (*the “Complainant”*) is a corporation that specialises in the business of standardised test preparation, college as well as graduate school admissions consultation services. The Complainant’s brand “The Princeton Review” was founded and was first used in 1981. As suggested by the Complainant, it operates on a worldwide scale, with international offices in all states within the United States of America as well as 15 countries globally.

The Complainant registered the Trade Mark of “THE PRINCETON REVIEW” and

A. The Princeton Review logo, featuring the words 'The Princeton Review' in a serif font, with 'The' in a smaller font size above 'Princeton', and 'Review' below 'Princeton'. A curved line underlines the text.

B. The Princeton Review logo, identical to the one above.

“ (hereinafter called the “*Princeton Review*

*Logo*”)(collectively called as the “*Trade Mark*”) in Hong Kong since 2009 (See:

Hong Kong trademark registration number 301297080; See Also: Hong Kong



trademark registration number 301306458). The Complainant's business in Hong Kong concentrates on providing electronic software, printed materials featuring information and instruction for educational purposes. It is noteworthy that the website <[www.princetonreview.com](http://www.princetonreview.com)> which is the Complainant's official website, has been established since 22 November 1995. The prescribed official website receives over a million visits per month from prospective students researching for details about colleges, business, graduate, law as well as medical schools. Also, the website <[www.princetonreviewhk.com](http://www.princetonreviewhk.com)> has been its primary business website in Hong Kong which has been registered since 11 April 2000 with Network Solutions, LLC.

In relation to the trademarks registration, the Complainant is the registered proprietor of numerous Trade Marks (including "THE PRINCETON REVIEW", the "The Princeton Review Logo" as well as other similar trademarks) around the world including the United States of America, Hong Kong, People's Republic of China, Japan, South Korea, Sri Lanka, Malaysia, Venezuela, India, Indonesia, Israel, Bangladesh, Canada, Philippines, Nepal, Mexico, Pakistan, Philippines, Turkey, Thailand, Vietnam, Saudi Arabia, the United Arab Emirates as well as the European Union (See: Exhibit G – Schedule A of the Assignment of Intellectual Property as submitted by the Complainant under "*Form A- Complaint with the Domain Name Dispute Resolution Policy*" dated 18 October 2013).

In gist, the Complainant is the owner of the United States of America trademark registration number 3,147,940 with an actual date of registration of 26 September 2006 (the "**Trade Mark**"). The Trade Mark relates to a mark made up of letters "THE PRINCETON REVIEW". The Trade Mark is currently registered in Class 9,

16 and 41:

*FOR: AUDIO RECORDINGS, VIDEO RECORDINGS AND CD-ROM'S FEATURING INFORMATION AND INSTRUCTION FOR PREPARING FOR STANDARDIZED EXAMINATIONS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).*

*FIRST USE 1-26-1993; IN COMMERCE 1-26-1993*

*FOR: BOOKS ON DEVELOPING BUSINESS SKILLS; BOOKS ON DEVELOPING STUDY SKILLS; GUIDEBOOKS FOR OBTAINING FINANCIAL AID FOR HIGHER LEARNING; GUIDE BOOKS ON SELECTING COLLEGS; GRADUATE SCHOOLS AND PROFESSIONAL SCHOOLS; GUIDE BOOKS FOR PREPARING FOR STANDARDIZED TESTS; GUIDE BOOKS FOR IMPROVING LANGUAGE AND MATH SKILLS IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).*

*FIRST USE 12-31-1981; IN COMMERCE 12-31-1981*

*FOR: TEST PREPARATION CLASSES AND TUTORING SERVICES FOR PERSONS TAKING STANDARDIZED EXAMINATIONS; PROVIDING TUTORING AND CLASSES TO IMPROVE ACADEMIC PERFORMANCE OF STUDENTS AND FOR PROFESSIONAL DEVELOPMENT OF TEACHERS; PROFESSIONAL INFORMATION ON COLLEGE, GRADUATE SCHOOLS AND PROFESSIONAL SCHOOLS AND ADMISSIONS INFORMATION VIA THE INTERNET; PROVIDING ON-*

*LINE INSTRUCTION FOR STUDENTS AND TEACHERS VIA THE INTERNET IN THE FIELDS OF PREPARATION FOR ACADEMIC ACHIEVEMENT, TEST PREPARATION, ACADEMIC ASSESSMENT, ADMISSIONS AND APTITUDE TESTS FOR PROFESSIONAL LICENSING, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).*

*FIRST USE 12-31-1981; IN COMMERCE 12-31-1981.*

The Complainant is also the owner of the Hong Kong trademark registration number 301306458 with an actual date of registration of 14 December 2009 (the “**Trade Mark**”). The Trade Mark relates to a mark make up of letters “The Princeton

A. The Princeton Review

B. The Princeton Review

Review” and “**Review**”. The Trade Mark is currently registered in Class 9, 16 and 41.

*Class 9*

*Audio recordings, video recordings, visual recordings, CD-Rom’s, DVD, compact discs, interactive compact discs, downloadable recordings, audio, video and visual recordings, computer software, computer programs, and video cartridges, all of the above featuring information and instruction for preparing for standardized examinations and for preparing for admissions to schools and for students, teachers and school administrators.*

### Class 16

*Books on developing business skills; books on developing study skills; books for obtaining financial aid for higher learning; books on selecting colleges, graduate schools and professional schools; books for preparing for standardized tests; books for improving language and math skills; and books, course materials and other printed matter for students, teachers and school administrators.*

### Class 41

*Test preparation classes and tutoring services provided live, via recordings and via a global communications network for persons taking standardized examinations; providing tutoring and classes provided live, via recordings and via a global communications network to improve academic performance of students and for professional development of teachers; providing information on colleges, graduate schools and professional schools and admissions information live, via recordings, and via a global communications network; providing online instruction for students and teachers via a global communications network in the fields of preparation for academic achievement, test preparation, academic assessment, admissions and aptitude tests for professional licensing; providing online journals, namely blogs; providing an online platform for networking in the field of preparation for academic achievement, test preparation, academic assessment and professional licensing; providing non-downloadable programs via a global communications network in the fields of preparation for academic achievement, test preparation, academic assessment,*

*admissions and aptitude tests for professional licensing.*

Additionally, the Complainant is also the owner of the Hong Kong trademark registration number 301297080 with an actual date of registration of 4 March 2009 (the “*Trade Mark*”). The Trade Mark relates to a mark make up of letters “THE PRINCETON REVIEW”. The Trade Mark is currently registered in Class 9, 16 and 41.

The Complainant is also the owner of the People’s Republic of China (the “*PRC*”) trademark number 1785792 pertaining to a registration validity period (in Chinese, “注册有效期限”) from 14 June 2002 to 13 June 2012. The Registration validity period was extended from 14 June 2012 to 13 June 2022 (the “*Trade Mark*”). The



Trade Mark relates to a mark made up of letters “THE PRINCETON REVIEW”. The Trade Mark is currently registered in Class 16:

“核定使用商品（第16类）

报纸；教材；目录册；小册子；杂志：（商品截止）”

The Complainant is also the owner of the People’s Republic of China (the “*PRC*”) trademark number 1237865 pertaining to a registration validity period (in Chinese, “注册有效期限”) from 7 January 1999 to 6 January 2009. The registration validity period was extended from 7 January 2009 to 6 January 2019 (the “*Trade Mark*”).

The Trade Mark relates to a mark make up of letters “**THE PRINCETON REVIEW**”. The Trade Mark is currently registered in Class 41:

“核定使用商品（第 41 类）

培训；书籍出版；函授课程；非公共图书的课本出版业；为准备  
标准化考试提供讲座；为美国大专院校入学考试提供考前辅助培  
训服务；为在美国的经授权的资格考试提供考前辅助培训服务；  
教育；学校（教育）；教学’

The Complainant’s representative is RIBEIRO HUI of 1303-05, 13/F., Wilson House, 19-27 Wyndham Street, Central, Hong Kong.

#### **For the Respondent**

The Respondent, Shenyang JunBo JiaoYu WenHua JiaoLiu HeZuo YouXianGongSi (沈阳俊博教育文化交流合作有限公司), is a company located in the People’s Republic of China.

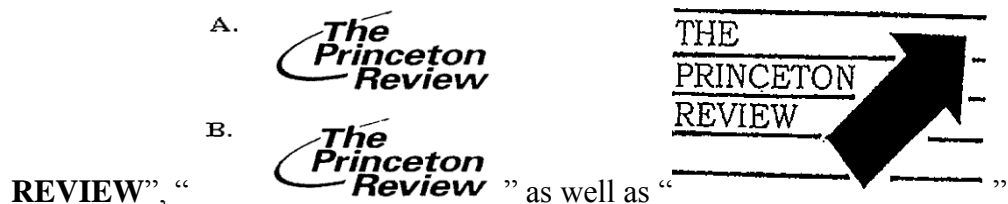
On 26 October 2011, the **Disputed Domain Name** <[princetonreview.hk](http://princetonreview.hk)> was registered by the Hong Kong Domain Name Registration Company Ltd. As noted by the **Registrar’s** email of 21 October 2013, the holder of the **Disputed Domain Name** is Shenyang JunBo JiaoYu WenHua JiaoLiu HeZuo YouXianGongSi (沈阳俊博教育文化交流合作有限公司).

On 25 November 2013, the **HKIAC** sent an email to notify the Complainant (with a copy to the Respondent) that the Respondent had not responded to the **HKIAC** within the stipulated timeframe (i.e. on or before 19 November 2013). As such, the Respondent has not contested the allegations of the Complaint and is in default.

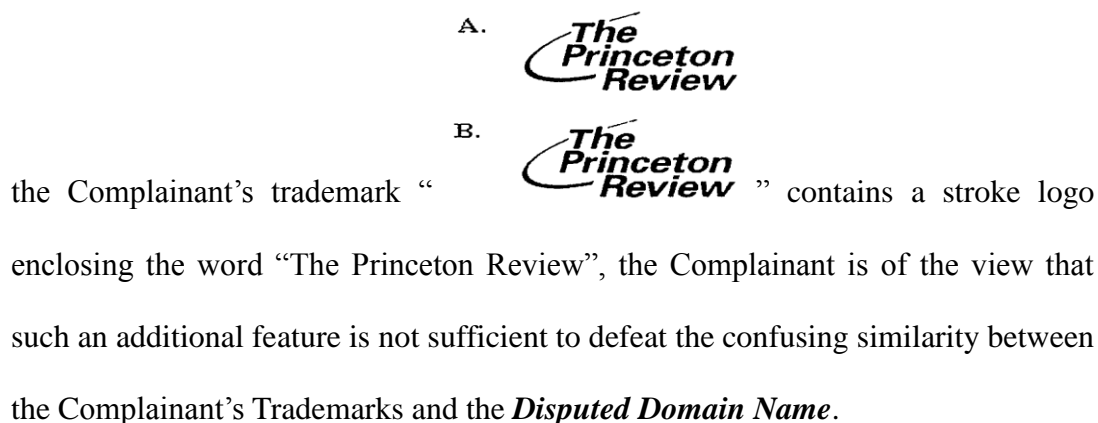
#### **4. The Parties’ Contention**

**For the Complainant**

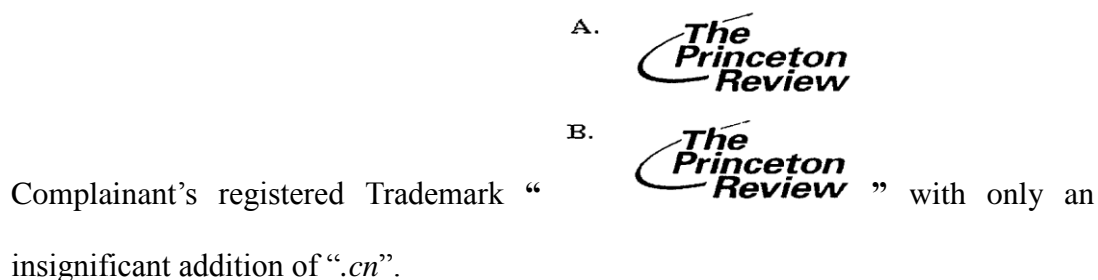
The Complainant submits that it is the registered proprietor of trademarks in relation to “The Princeton Review”, “THE PRINCETON REVIEW”, “THE PRINCETON



The Complainant contends that the *Disputed Domain Name* <princetonreview.hk> is clearly identical to the “THE PRINCETON REVIEW” trademark as the same exact words are contained within the *Disputed Domain Name*. Despite the fact that



The Complainant drew to the Panel’s attention the main page of the *Disputed Domain Name* <princetonreview.hk>. From this, the Complainant contends that the logo displayed on the left hand upper corner of the page is almost identical to the



For all the foregoing reasons, the Complainant is of the opinion that the use of the Trademarks in the *Disputed Domain Name* will lead to initial interest, confusion and diversion of web traffic from the Complainant's <princetonreviewhk.com> domain name. Thus, the Complainant concludes that the *Disputed Domain Name* <princetonreview.hk> is "*identical and/or confusingly similar to the trademarks in all material respects*".

In relation to the Respondent's right or legitimate interest in respect of the *Disputed Domain Name*, the Complainant contends that the Complainant's brand, namely, "The Princeton Review" was founded and was first used in 1981. From this, the Complainant submits to the Panel that the Princeton Review business has been operating since 1981 (See: Exhibit E of the Complainant's submissions) and it enjoys worldwide recognition and success for its "PRINCETON REVIEW" brand. To supplement such proposition, the Complainant drew to the Panel's attention of the Assignment of Intellectual Property Agreement (See: Exhibit G of the Complainant's submissions) as well as registration certificates issued by various trademark offices in various jurisdictions (See: Exhibit H of the Complainant's submissions). On this basis, the Complainant submits to the Panel that the prescribed documents, namely, Exhibit G and Exhibit H are clear evidence to substantiate the Complainant's established rights in those trademarks.

Despite the fact that the *Disputed Domain Name* was only created on 26 October 2011, the Complainant submits to the Panel that the Complainant's rights in the Trademarks precede the *Disputed Domain Name* and the Complainant's Domain Name <[www.princetonreviewhk.com](http://www.princetonreviewhk.com)> was created prior to the *Disputed Domain*



Name <[princetonreview.hk](http://princetonreview.hk)>.


Additionally, the Complainant submits that the Respondent, being situated in the PRC, should be well aware of the Complainant and its' "The Princeton Review" brand which is well-known in Asia. As stated previously, the PRC's Trademark number 1237865 together with the PRC Trademark number 1785792 identify the Complainant as the registered owner of "**THE PRINCETON REVIEW**" as well as





“ ” effective from 7 January 1999 and 14 June 2002 retrospectively (whereas the *Disputed Domain Name* was registered by the Respondent on 26 October 2013). On this basis, the Complainant contends that,

*“Given that Complainant’s strong presence in Asia, with registered trademarks and established franchises in the PRC, it is most unlikely that the Respondent is unaware of the Complainant’s rights in the Trademarks. It cannot be a mere co-incidence that the Respondent has chosen the disputed domain name, which is confusingly similar to the Trademarks and the Complainant’s registered and actively used domain names”.*

The Complainant drew to the Panel’s attention that the Respondent has not received permission from the Complainant to use any of its’ trademarks, namely, “The Princeton Review”, “THE PRINCETON REVIEW”, “**THE PRINCETON**

A.  THE PRINCETON REVIEW

B.  ” as well as “  ”.

The Complainant submits to the Panel that the Respondent was in fact advertising, offering and selling purported “THE PRINCETON REVIEW” branded products and services on the website at the *Disputed Domain Name* <princetonreview.hk>.

From this, the Complainant contends that such offering of services through the *Disputed Domain Name* is *male fide*. The Complainant was of the view that the Respondent used the *Disputed Domain Name* as a means to offer products as well as services bearing the Trademarks, of which the Complainant strongly believes to be counterfeited.

Furthermore, the Complainant advocated that the Respondent’s use of the *Disputed Domain Name* is clearly an attempt to catch the Internet users searching for Complainant’s services. As a result, the Complainant contends that the Respondent’s use of the *Disputed Domain Name* for “*the sole purpose of diverting genuine consumers of the Complainant away from the Complainant’s website, for commercial gain*”.

For the foregoing reasons, the Complainant submits that there is a *prima facie* case that the Respondent has no rights or legitimate interests in relation to the *Disputed Domain Name*.

In relation to the Respondent's bad faith in registering and using the *Disputed Domain Name*, the Complainant submits that the registration of the *Disputed Domain Name* contains identical words to that of the Complainant's trademarks which clearly aim to divert Internet users who are searching for Complainant's services and diverting them away from the Complainant's genuine websites.

On this basis, the Complainant contends that the Respondent has intentionally attempted to attract for commercial gain by linking the *Disputed Domain Name* with that of the Complainant's services in some way or form.

The Complainant drew the Panel's attention to the "*About Us*" section of the website <princetonreview.hk> (See: Exhibit I of the Complainant's submissions), as set out in Chinese that the *Disputed Domain Name* was wholly owned by a foreign enterprise named "Princeton Review (China) Limited" established in the PRC since 2011 to provide preparation as well as admission services in China (In Chinese, it states that: "普林斯頓評論(中國)有限公司於 2011 年在中國成立, 是外商獨資企業, 目的在於幫助來自中國的學生、家長以及教師在其學習和教育生涯中的各個階段都能獲得最高的成就"). From this, the Complainant contends that this is clear evidence of bad faith as the Complainant has not authorised or entered into an agreement or understanding with the Respondent to set up an entity in the PRC.

The Complainant also contends that the Respondent has also deliberately included the following features pertaining to the *Disputed Domain Name* within its website to falsely represent its affiliation with the Complainant, including:

- i. The Respondent has placed the Princeton Review Logo with the addition of the word “.cn” at the top left hand corner of the website, which is identical to how the Complainant’s logo is displayed on its <princetonreviewhk.com> as well as <princetonreview.com> website;
- ii. The Respondent has used the same colour and design features as the Complainant’s official website, namely, <princetonreview.com>;
- iii. As noted in the *Disputed Domain Name* website <princetonreview.hk>, the Respondent promotes a version of the book named “*Best 376 Colleges*”, a book that the Complainant is well-known for and has been given copyright protection.

From these, the Complainant contends that, “*These elements falsely suggest that the Respondent is an official Chinese dealer of the Complainant’s services and the continuing breach of the Complainant’s copyright are blatant examples of bad faith*”.

The Complainant drew to the Panel’s attention Exhibit M of the Complainant’s submissions (Google Search Engine – Search for the term “Princeton Review”). From this, the Complainant submits to the Panel that “... *a simple search for ‘Princeton Review’ illustrates that the two terms are commonly used in reference to the Complainant’s products and services, indicating that the registration and use of the disputed domain name <princetonreview.hk> has a huge potential of diverting web traffic from the Complainants’ <princetonreviewhk.com> domain name regardless of the content featured on the associated website*”.

As a result, the Complainant was of the opinion that “*the use of the disputed domain name for website that is used to market services bearing the Trademarks constitute an improper use of the Complainant’s marks and is evidence of the Respondent’s bad faith. The Respondent’s choice of the disputed domain name was deliberate with the intention to obtain some kind of profit from the reputation and goodwill of the Complainant’s trademark*”.

In gist, the Complainant asserted that the Respondent had “*sought to take advantage of, and create a likelihood of confusion with the Complainant’s trademarks as to source, sponsorship, affiliation or endorsement of the Respondent’s website under the Disputed Domain Name*”.

#### **For the Respondent**

On 26 October 2011, the ***Disputed Domain Name*** “princetonreview.hk” was registered by the Hong Kong Domain Name Registration Company Ltd. As noted by the ***Registrar’s*** email of 21 October 2013, the holder of the ***Disputed Domain Name*** is Shenyang JunBo JiaoYu WenHua JaiLiu HeZuo YouXianGongSi (沈阳俊博教育文化交流合作有限公司).

On 25 November 2013, the ***HKIAC*** sent an email to notify the Complainant (copying the Respondent) that the Respondent had not responded to the ***HKIAC*** within the stipulated timeframe (i.e. on or before 19 November 2013). As such, the Respondent has not contested the allegations of the Complaint and is in default.

## 5. Findings

### A. Language of the Proceedings

The Hong Kong Domain Name Registration Company Limited (“**HKDNR**”), Domain Name Dispute Resolution Policy (“**Policy**”) and Rules of Procedure (“**Rules**”) Paragraph 11(a) provides that:

*“Unless otherwise agreed by the Parties, the language of the arbitration proceeding shall be in English for English .hk domain name, and in Chinese for Chinese.hk or .香港 domain name, subject always to the authority of the Arbitration Panel to determine otherwise, having regard of all circumstances of the arbitration proceeding”*

In the present case, the Parties had not agreed a particular language for these proceedings. As this is an “**English .hk domain name**”, namely, <[princetonreview.hk](http://princetonreview.hk)>, then in accordance with Paragraph 11(a) of the **Rules**, the proceedings “**shall be in English**”. In these circumstances, the Panel considers that it would be appropriate (and without prejudice to any of the parties) for the present proceedings to be conducted in English.

### B. Discussion and Findings

Having considered all the documentary evidence before me, and the Respondent’s non-participation in these proceedings after being afforded every opportunity to do so in accordance with Paragraph 5(e) of the **Rules**, the Panel is of the view that it should proceed to decide on the **Disputed Domain Name**, namely, <[princetonreview.hk](http://princetonreview.hk)> based upon the Complaint and evidence as adduced by the

Complainant.

Paragraph 5(e) of the Rules stipulates that:

*“If a Respondent does not submit a timely Response, in the absence of exceptional circumstance as determined by the Provider at its sole discretion, the Arbitration Panel shall decide the dispute based upon the Complaint and evidence submitted therewith”*

Having said so, Paragraph 4(a) of the *HKDNR* Domain Name Dispute Resolution Policy (“*Policy*”), which is applicable hereto, the Complainant has the burden of proving the following elements, namely:

- (i) *the Registrant’s Domain Name is identical or confusingly similar to a trademark or service mark in Hong Kong in which the Complainant has rights; and*
- (ii) *the Registrant has no rights or legitimate interests in respect of the Domain Name; and*
- (iii) *the Registrant’s Domain Name has been registered and is being used in bad faith, and*
- (iv) *if the Domain Name is registered by an individual person, the Registrant does not meet the registration requirements for that individual category of Domain Name.”*  
**[as the Disputed Domain Name is not registered in the category of “individual” domain name, the Panel will not consider this factor within its decision]**

(1). **Identical/confusing similarity**

Paragraph 4(a)(i) of the *Policy* requires the Complainant to prove that the *Disputed Domain Name* is **identical** or **confusingly similar** to a trademark or service mark in which the Complainant has rights.

In the case of *LEGO Juris A/S v Gerardo Rodriguez Lara* (Case No. D2013-1522) (Dated 17 October 2013) (“*LEGO Juris A/S*”), the Panel found that:

*“The fame of the trademark has been confirmed in numerous previous UDRP decisions: LEGO Juris A/S v. Rampe Purda, WIPO Case No. D2010-0840 (‘LEGO is clearly a well-known mark’); LEGO Juris A/S v. Domain Administrator, WIPO Case No. D2010-1260 (‘In the present case, the disputed domain names incorporate the Complainant’s well-known registered trademark LEGO’); and LEGO Juris A/S v. Reginald Hastings Jr, WIPO Case No. D2009-0680 (‘LEGO is a mark enjoying high reputation as construction toys popular with children’)”*

On this basis, the Panel was of the opinion that:

*“The disputed domain name is confusingly similar to the Complainant’s world famous trademark LEGO. The addition of the generic top-level domain (gTLD) ‘.org’ does not have any impact on the overall impression of the dominant portion of the disputed domain name and is therefore irrelevant to determining the confusing similarity between the trademark and the domain name”*



From this, the Panel concludes that:

*“Anyone who sees the domain name is bound to mistake it for a name related to the Complainant. The likelihood of confusion includes an obvious association with the trademark of the Complainant. With reference to the reputation of the trademark LEGO there is a considerable risk that the trade public will perceive the Respondent’s domain name either as a domain name owned by the Complainant or that there is some kind of commercial relation with the Complainant. By using the trademark as a dominant part of the domain name, the Respondent exploits the goodwill and the image of the trademark.”*


In the present case, as akin to the facts of **LEGO Juris A/S**, the Complainant is the registered proprietor of trademarks in various jurisdictions.

For instance, the Complainant is the owner of the United States of America trademark registration number 3,147,940 with an actual date of registration of 26 September 2006 (the “**Trade Mark**”). The Trade Mark relates to a mark made up of letters “THE PRINCETON REVIEW”. The Trade Mark is currently registered in Class 9, 16 and 41.

The Complainant is also the owner of the Hong Kong trademark registration number 301306458 with an actual date of registration of 14 December 2009 (the “**Trade Mark**”). The Trade Mark relates to a mark make up of letters “The Princeton

A. 


B. 

Review” and “”. The Trade Mark is currently registered in Class 9, 16 and 41.

Likewise, the Complainant is also the owner of the Hong Kong trademark registration number 301297080 with an actual date of registration of 4 March 2009 (the “*Trade Mark*”). The Trade Mark relates to a mark make up of letters “THE PRINCETON REVIEW”. The Trade Mark is currently registered in Class 9, 16 and 41.

The Complainant is also the owner of the People’s Republic of China (the “*PRC*”) trademark number 1785792 with a registration validity period (in Chinese, “注册有效期限”) from 14 June 2002 to 13 June 2012. The Registration validity period was extended from 14 June 2012 to 13 June 2022 (the “*Trade Mark*”). The Trade Mark






relates to a mark make up of letters “”. The Trade Mark is currently registered in Class 16.

As previously stated, the Complainant is also the owner of the People’s Republic of China (the “*PRC*”) trademark number 1237865 with a registration validity period (in Chinese, “注册有效期限”) from 7 January 1999 to 6 January 2009. The registration validity period was extended from 7 January 2009 to 6 January 2019 (the “*Trade Mark*”). The Trade Mark relates to a mark make up of letters “**THE**

**PRINCETON REVIEW**". The Trade Mark is currently registered in Class 41.

The Respondent registered the *Disputed Domain Name* through the *Registrar*, Hong Kong Domain Name Registration Company Limited (the "*HKDNR*") on 26 October 2013. In contrast, the Complainant registered the first PRC trademark "**THE PRINCETON REVIEW**" on 7 January 1999 and acquired the first Hong Kong trademark of "The Princeton Review" on 14 December 2009, twelve (12) and two (2) years retrospectively before the Respondent registered the *Disputed Domain Name*.

The Complainant advocates that the *Disputed Domain Name* is the same and is clearly identical to the Complainant's registered trademarks including "The Princeton Review", "THE PRINCETON REVIEW", "**THE PRINCETON**

A.  B.  " as well as "".

In saying so, the Panel is of the opinion that the addition of ".cn" does not have "any overall impact on the overall impression of the dominant portion of the *disputed domain name*". Thus, the Panel concurs with the Complainant's view that the *Disputed Domain Name* is "identical and/or confusingly similar to the Trademarks in all material respects".

As already stated, the Respondent has not contested the allegations of the Complaint and is in default.

For all the foregoing reasons, this Panel concludes that the Complainant has discharged its burden of proof to establish the elements of identical and confusingly similar mark as stipulated in Paragraph 4(a)(i) of the *Policy*.

(2). **Rights or Legitimate Interests of Respondent**

Paragraph 4(d) of the *Policy* sets out examples of circumstances where the Respondent may have rights or legitimate interests over the *Disputed Domain Name*:

*“How to Demonstrate the Registrant’s Rights to and Legitimate Interests in the Domain Name in Responding to a Complaint.*

*When the Registrant receives a Complaint as defined in Paragraph 3 of the Rules of Procedure, the Registrant should refer to Paragraph 5 of the Rules of Procedure in determining how the Registrant’s Response should be prepared.*

*Any of the following circumstances, in particular but without limitation, if found by an Arbitration Panel to be proven based on its evaluation of all evidence presented to it, shall demonstrate the Registrant’s rights or legitimate interests to the Domain Name for purposes of Paragraph 4(a)(ii):*

- (i) before any notice to the Registrant of the dispute, the Registrant’s 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 in Hong Kong; or*
- (ii) the Registrant (as an individual, business, or other organisation) has been commonly known by the Domain Name, even if the Registrant has acquired no trade mark or service mark rights in Hong Kong; or*
- (iii) the Registrant has trademark or service mark rights that the mark is identical to the Domain Name the Registrant is holding; or*
- (iv) the Registrant is making a legitimate non-commercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trade mark or service mark at issue; or*
- (v) If the Domain Name is registered in one of the Individual Domain Name*

*Categories, the Domain Name registered must be the Registrant's own "individual name", which can be either (1) the Registrant's legal name, or (2) a name by which the Registrant is commonly known and can include, for example, a pseudonym the Registrant uses if the Registrant is an author or a painter, or a stage name if the Registrant is a singer or actor, or the name of a fictional character if the Registrant has created or can otherwise show it has rights in such fictional character."*

In the case of *Alibaba Group Holding Limited v hiyeah hu* (ADNDRC's Decision, Case No: HK-1300550) (Dated 19 November 2013) ("*Alibaba Group Holding Limited*"), the Panel found that:

*"Complainant is headquartered in Hangzhou, China, and has offices in 70 cities across China, as well as in Hong Kong, Taiwan, Korea, Japan, India, Singapore, the United States of America, and the European Union. Complainant's marketplaces are some of the most successful Internet operations in the world. Complaint, Annexes 4, 5, 6 and 7.*

*Complaint has numerous trademark applications pending for its TMALL mark and TMALL.COM and related marks. In addition, registrations have issued for the TMALL mark in Cambodia, Ecuador, Egypt, Hong Kong, Japan, Macau, Mexico, New Zealand, Norway, the Philippines, Singapore, Switzerland, and the United States of America. The earliest of these registrations issued on 5 November 2010 in Hong Kong. Registrations of Complainant's TMALL.COM and related marks have issued in China, Hong Kong, and Singapore, the earliest of these registrations issued on 25 October 2011 in Hong Kong and in Singapore. Complaint, Annexes 2 and 3. Virtually all of such registration issued prior to 1 September 2013"*

As regards to the burden of demonstrating rights or legitimate interest in the domain name, the Panel stated the following:

*“While the overall burden of proof rests with the complainant, panels have recognized that this could result in the often impossible task of proving a negative, requiring information that is often primarily within the knowledge of the respondent. Therefore a complainant is required to make out an initial prima facie case that the respondent lacks right or legitimate interests. Once such prima facie case is made, respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such appropriate allegations or evidence, a complainant is generally deemed to have satisfied paragraph 4(a)(ii) of the UDRP”*

From this, the Panel concluded that:

*“In the present case the Complaint alleges that Respondent has no rights or legitimate interests in respect of the domain name and Respondent has failed to assert any such rights. Accordingly, the Panel finds that Respondent has no rights or legitimate interests in respect of the domain name at issue”*

Similarly, in the case of *Newegg Trading Limited & Newegg Inc. v GUCCN (HONG KONG) GROUP STOCK CO., LIMITED* (Case No. DHK-1300097) (Dated 9 September 2013) (“*Newegg Trading Limited*”), the Panel observed that:

*“The Complainants assert that the Respondent (i) has no connection or affiliation with the Complainants, and (ii) the Complainants have not authorised the Respondent to use the Trade Mark. Meanwhile there is no evidence to suggest the Respondent has any rights to the Trade Mark in any way”*

In a nutshell, the Panel concluded that:

*“Having been presented with the prima facie case by the Complainant and in the absence of a reply from the Respondent, there is a lack of evidence before the Panel to suggest that the Respondent has established rights or legitimate interests based on any of the grounds mentioned in paragraph 4(d) of the Policy.*

*In conclusion, the Panel is satisfied that the condition under paragraph 4(a)(ii) is met”*

As akin to the facts of **Alibaba Group Holding Limited** as well as **Newegg Trading Limited**, in the case of **Sothys International v Siamak Khoshkholeh Sima /Domain ID Shield Service Co., Ltd** (WIPO’s Decision, Case No: D2013-1494) (Dated 21 October 2013) (“**Sothys International**”), the Panel found that:

*“Whilst the Policy states that the complainant must prove each of the elements in paragraph 4, it is often observed that it is difficult for the complainant to prove a negative, i.e. that a respondent has no rights or legitimate in a domain name. It is therefore generally accepted under the Policy that, once a complainant has presented a prima facie*

*showing a respondent's lack of rights or legitimate interest in domain name, the burden of the production of evidence shifts to the respondent. The respondent must then come up with appropriate allegations or evidence demonstrating its rights or legitimate interests in the domain name to refute the prima facie case."*

On this basis, the Panel concluded that:

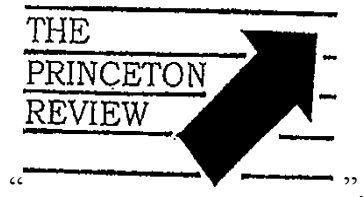
*"The Panel finds that the Complainant has made a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain names so the burden of production has effectively shifted to the Respondent, who did not reply to the Complainant's contentions and, therefore, has not made such a showing"*

By applying the principles stipulated in *Alibaba Group Holding Limited, Newegg Trading Limited* as well as *Sothys International*, one can assert that the *Disputed Domain Name* is clearly identical to the Complainant's registered trademarks, namely, "The Princeton Review", "THE PRINCETON REVIEW", "THE

A. 

B. 

PRINCETON REVIEW", " " as well as





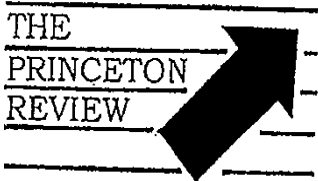
As already mentioned, the Complainant registered the Trade Marks thereon for twelve (12) years in the PRC and two (2) years in Hong Kong before the Respondent registered the *Disputed Domain Name* on 26 October 2011.

In the meantime, the Panel is of the opinion that the name “Princetonreview” does not in any way reflect the Respondent’s Name (“Shenyang JunBo JiaoYu WenHua JaiLiu HeZuo YouXianGongSi”) nor has the Respondent registered a company or business name pertaining to the word “Princetonreview”. On this basis, the Panel concludes that there is “*no evidence*” suggesting that “Princetonreview” is the Respondent’s legal name.

In addition, there is “*no evidence*” suggesting that the Respondent is commonly known by the name of “Princetonreview”.

In fact, the Complainant submits that it has never authorised the Respondent to use its registered trademarks, namely, “The Princeton Review”, “THE PRINCETON

REVIEW”, “**THE PRINCETON REVIEW**”, “”, “”,

“” or any other name or mark registered by the Complainant.

Furthermore, in the present case, the Complainant submits to the Panel that, “... *a simple search for ‘Princeton Review’ illustrates that the two terms are commonly used in reference to the Complainant’s products and services, indicating that the registration and use of the disputed domain name <princetonreview.hk> has a huge potential of diverting web traffic from the Complainants’ <princetonreviewhk.com> domain name regardless of the content featured on the associated website*”.

From this, the Panel made a further attempt and searched (on 13 December 2013) “Princeton Review” in the Google Search Engine (See: [WWW.GOOGLE.COM](http://WWW.GOOGLE.COM)) and obtained 38,300,000 results. It is noteworthy that the information on the first page of the search result directed the Panel to the Complainant’s official website <[www.princetonreview.com](http://www.princetonreview.com)>. For all the foregoing reasons, the Panel concurred with the Complainant’s view that “*It cannot be a mere co-incidence that the Respondent has chosen the disputed domain name, which is confusingly similar to the Trademarks and the Complainant’s registered and actively used domain names*”.

By applying the principles stipulated in *Alibaba Group Holding Limited, Newegg Trading Limited* as well as *Sothys International*, this Panel concludes that the Respondent has “*no right*” and/or “*legitimate interest*” in respect of the *Disputed Domain Name*.

**(3). Bad Faith**

Paragraph 4(b) of the *Policy* sets out four (4) factors in which the Panel shall take into account in determining whether the Respondent has registered and used the

**Disputed Domain Name** in bad faith. The prescribed four (4) factors are as follows:

**“Evidence of Registration and Use in Bad Faith.** For the purposes of Paragraph 4(a)(iii), the following circumstances, in particular but without limitation, if found by an Arbitration Panel to be present, shall be evidence of the registration and use of a Domain Name in bad faith:

- (i) *circumstances indicating that the Registrant has registered or has 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 Registrant’s documented out-of-pocket costs directly related to the Domain Name; or*
- (ii) *the Registrant 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 Registrant has engaged in a pattern of such conduct; or*
- (iii) *the Registrant has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or*
- (iv) *by using the Domain Name, the Registrant has intentionally attempted to attract, for commercial gain, Internet users to the Registrant’s web site 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 Registrant’s web site or location or of a product or service on the Registrant’s web site or location.”*

In the case of **Wikimedia Foundation Inc. v Kevo Ouz a/k/a Online Marketing Realty** (WIPO’s Decision. Case No: D2009-0798)(Dated 7 April 2009) (“**Wikimedia Foundation Inc**”), the Panel found that:

*“... the fact that Complainant’s WIKIPEDIA trademark pre-dates Respondent’s registration of <wikipedia.com> and <wikipediia.com> is noteworthy. Given Complainant’s established rights in the WIKIPEDIA trademark and the Respondent’s registered domain name are ‘so obviously connected with’ Complainant, Respondent’s action suggest ‘opportunistic bad faith’ in violation of the Policy. Research in Motion Limited v. Dustin Picov, WIPO Case No. D2001-0492. See Also: Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D20000-0003 (‘it is not possible to conceive of a plausible circumstance in which the Respondent could legitimately use’ the disputed domain name); Pancil LLC v. Domain Deluxe, WIPO Case No. D2003-1035; and Kate Spade LLC v. IQ Management Corporation, WIPO Case No. D2005-109”*

Likewise, in the case of ***Ecco Sko A/S v Privacy Protect.org / Li Jing, Wang Jianguo, and Yang Yan*** (WIPO’s Decision, Case No: D2013-0016)(Dated 19 February 2013) (“***Ecco Sko A/S***”), the Panel stated that:

*“Under paragraph 4(b) of the Policy, it shall be evidence of registration and use in bad faith if the Complainant can show that, by using the disputed domain name, the Respondent have intentionally attempted to attract, for commercial gain, Internet users to their websites or other online locations, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of their websites or locations or of a product or service on their websites or locations”*

From this, The Panel observed and found that:


*“The Panel finds that the Respondents have done so in the case of each of the four disputed domain names. In particular, it is obvious from the Respondent’s use of the Complainant’s word and stylized marks for their websites offering counterfeit goods that the Respondents must have known of the Complainant’s ECCO marks and that they registered and have used the disputed domain names with the intention of unfairly profiting from the Complainant’s goodwill. This conduct plainly constitutes registration and use of the disputed domain names in bad faith for the purpose of the Policy”*

In the meantime, in the case of **Newegg Trading Limited**, the Panel reiterated that:

*“... The overriding objective of the Policy is to curb the abusive registration of domain names in circumstances where the registrant is seeking to profit from and exploit the trade mark of another (Match.com, LP v. Bill Zag and NWLAWS.ORG, WIPO Case No. D2004-0230)”*


In the present case, as akin to the case of **Wikimedia Foundation Inc.**, the



Complainant had registered the trademark of “” in the PRC since 1999.



Also, the Complainant had registered the Hong Kong trademark of “The Princeton



Review” as well as “” since 2009. On this basis, the Panel is convinced that the prescribed Trade Marks are commonly acknowledged as reputable in Asia, *inter alia*, in the PRC (*The Respondent is a company located in the PRC, Mainland of China*).

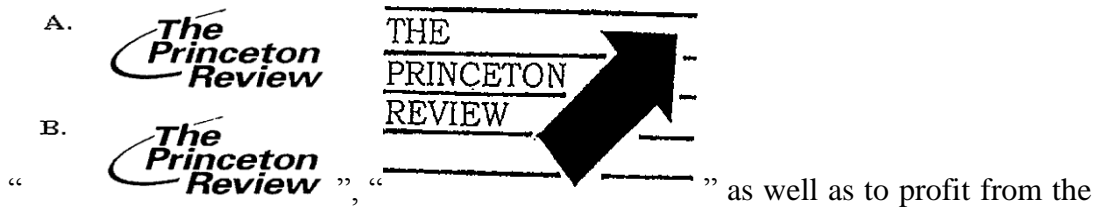
As such, the Panel is of the view that it would be inconvincible for the Respondent to argue that it was unaware of the Complainant’s registered trademarks, namely, “The Princeton Review”, “THE PRINCETON REVIEW”, “**THE PRINCETON**



**REVIEW**”, “” as well as “” at the time when the *Disputed Domain Name* was registered on 26 October 2011.

The mere explanation of what has happened in this case is that the Respondent’s motive in registering the *Disputed Domain Name* <princetonreview.hk> seems to be what the Complaint is alluding to that is “*deliberate with the intention to obtain some kind of profit from the reputation and goodwill of the Complainant’s trademark*”.

Based on such reasoning, the Panel concurs with the Complainant’s view that the Respondent registered the *Disputed Domain Name* deliberately in order to capture the goodwill of the Complainant’s Trade Marks, namely, “The Princeton Review”, “THE PRINCETON REVIEW”, “**THE PRINCETON REVIEW**”,



as well as to profit from the goodwill closely connected and associated with the trademarks thereon.

Additionally, in the present case, as akin to the case of *Ecco Sko A/S*, the Respondent intended to implement “*the Complainant’s word and stylized marks*” into the *Disputed Domain Name* website and use it as a means to “*profiting from the Complainant’s goodwill*”. To supplement such proposition, the Panel has taken into account the features incorporated into the *Disputed Domain Name* website, namely:

- i. The Respondent has placed the Princeton Review Logo with the addition of the word “.cn” at the top left hand corner of the website, which is identical to how the Complainant’s logo is displayed on its <princetonreviewhk.com> as well as <princetonreview.com> website;
- ii. The Respondent has used the same color and design features as that of the Complainant’s official website <princetonreview.com>; and
- iii. As noted in the *Disputed Domain Name* website <princetonreview.hk>, the Respondent promotes a version of the book known as “*Best 376 Colleges*”, a book which the Complainant is well-known for and has been afforded copyright protection

From this, the Panel is of the opinion that the Respondent registered as well as used the *Disputed Domain Name* as a means of “*diverting web traffic from the Complainants’ <princetonreviewhk.com> domain name regardless of the content featured on the associated website*”.

As a result, the Panel is also of the view that such conduct has in fact infringed the overriding objective stipulated under the *Policy* (See: In the case of *Newegg Trading Limited*, the Panel reiterated that, “... *The overriding objective of the Policy is to curb the abusive registration of domain names in circumstances where the registrant is seeking to profit from and exploit the trade mark of another* (*Match.com, LP v. Bill Zag and NWLAWS.ORG, WIPO Case No. D2004-0230*)), and is material in proving that the Respondent registered and used the *Disputed Domain Name* in bad faith”.

By applying the principles stipulated in *Wikimedia Foundation Inc, Ecco Sko A/S* as well as *Newegg Trading Limited* coupled with the facts and evidence prescribed hereinabove, the Panel is of the view that the Respondent has *NO good cause or justifiable reasoning* of using the *Disputed Domain Name*.


For the foregoing reasons, the Panel concludes that the Respondent registered and used the contested domain name in bad faith.



6. **Conclusion**

The Complainant has proved its case. It has a registered Hong Kong trademark in



the name “THE PRINCETON REVIEW”, “” to which the contested domain name is confusingly similar.

The Respondent has shown no rights or legitimate interest in the *Disputed Domain Name*.

The Complainant has proved that the Respondent registered and used the *Disputed Domain Name* in bad faith.

For all the foregoing reasons and in accordance with Paragraph 4 of the *Policy*, the Panel concludes that the relief requested by the Complainant be granted and do hereby order the *Disputed Domain Name* <[princetonreview.hk](http://princetonreview.hk)> be transferred to the Complainant -TPR Education IP Holdings, LLC.

Dated **23<sup>th</sup> December 2013**

In the Hong Kong Special Administrative Region of the People’s Republic of China

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Christopher To