



Asian Domain Name Dispute Resolution Centre

hongkong

(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

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| Case No. | HK-2401904 |
| Complainant(s): | Tencent Holdings Limited, 腾讯科技（深圳）有限公司 |
| Respondent: | rongji zeng |
| Disputed Domain Name(s): | <tencentdocs.com> |

1. The Parties and Contested Domain Name

The Complainants are Tencent Holdings Limited of P.O. Box 2681 GT, Century Yard, Cricket Square, Hutchins Drive, George Town, Grand Cayman, Cayman Islands and 腾讯科技（深圳）有限公司, of 中国广东省深圳市 南山区高新区科技中一路 腾讯大厦 35 层. The authorised representative of the Complainant is Mr. Paddy Tam of CSC Digital Brand Services Group AB, Sweden.

The Respondent is rongji zeng, of Mingxi, SanMing, Fujian /P 350000.

The domain name at issue is <tencentdocs.com>, registered by the Respondent with NameCheap, Inc., United States.

2. Procedural History

On 01 August 2024, the Hong Kong Office of the Asian Domain Name Dispute Resolution Centre (the “Centre”) received the Complaint filed by the Complainant in accordance with the Uniform Domain Name Dispute Resolution Policy (the “Policy”) approved by the Internet Corporation for Assigned Names and Numbers (ICANN) on 24 October 1999 and the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”).

On 02 August 2024, NameCheap, Inc. (“Registrar”) confirmed with the Centre the registration details of the Disputed Domain Name.

On 05 August 2024, the Centre sent an email communication to the Complainant providing the registrant and contact information disclosed by the Registrar and inviting the Complainant to submit an amendment to the Complaint by 10 August 2024. The Complainant submitted the amended Complaint to the Centre on 07 August 2024.

On 08 August 2024, the Centre sent the Notification of Commencement of Proceedings to the Respondent informing the Respondent that the proceedings officially commenced and requested the Respondent to reply within 20 days (i.e. on or before 28 August 2024).

On 30 August 2024, the Centre confirmed receiving no response from the Respondent within the specified timeline.

On 30 August 2024, the Centre appointed Mr. Ankur Raheja as the sole panelist.

3. Factual background

The Complainant No 1, Tencent Holdings Limited was founded in November 1998, and is a leading provider of Internet value added services in China. Since its establishment, Tencent has maintained steady growth under its user-oriented operating strategies. On June 16, 2004, Tencent Holdings Limited (SEHK 700) went public on the main board of the Hong Kong Stock Exchange. The Complainant provides social platforms and digital content services, that includes leading Internet platforms in China – QQ (QQ Instant Messenger), Weixin/WeChat, QQ.com, QQ Games, Qzone, and Tenpay. For the year 2017, the monthly active user accounts of QQ were 783 million while its peak concurrent user accounts reached 271 million. The combined monthly active users (MAU) of Weixin and WeChat was 989 million.

In 2007, the Complainant invested more than RMB100 million in setting up the Tencent Research Institute, China's first Internet research institute, with campuses in Beijing, Shanghai, and Shenzhen. Tencent is ranked 132nd in Fortune Global 500 World's Biggest Companies 2021 ranking and 45th in Fortune's ranking of the Top 50 Companies with the best long term growth potential in 2020. According to Fortune, the Complainant is also ranked amongst the World's Most Admirable Companies in 2021. The Complainant maintains a large internet presence through the website at its primary domain name <tencent.com>. According to SimilarWeb.com, the Complainant's <tencent.com> website received over 110 million visitors in the 3-month period between May and July 2022 and is ranked the 1,836th most popular website globally and the 108th most popular website in China.

Tencent Holdings Limited and 腾讯科技（深圳）有限公司 (collectively “Complainant”), owns various trademark registrations for the mark TENCENT, including the following: -

- 1) CNIPA (China) trademark registration no. 1752676, registered on April 21, 2002, under class 9.
- 2) USPTO (USA) trademark registration no. 5409861, registered on February 27, 2018, under class 16.
- 3) USPTO (USA) trademark registration no. 5500137, registered on June 26, 2018, under class 41.
- 4) EUIPO (EM) trademark registration no. 006033773, registered on November 18, 2008, under classes 9, 38, 41, 42.
- 5) HKIPD (HK) trademark registration no. 300169506AA, registered on March 02, 2004, under classes 9, 38, 42.

The disputed Domain Name was registered on 18 April 2018 by a Respondent located in China.

4. Parties' Contentions

A. Complainant

The Complainant's contentions may be summarized as follows:

- i. The disputed Domain Name is identical or confusingly similar to the TENCENT trademark in which the Complainant has rights. By virtue of its trademark registrations, the Complainant is the owner of TENCENT trademarks.
- ii. In creating the disputed Domain Name, the Respondent has combined the generic, descriptive term "docs" to the Complainant's TENCENT trademark (referring to the Complainant's cloud-based document tool), thereby making the disputed Domain Name confusingly similar to the Complainant's trademark.
- iii. The Respondent has no rights or legitimate interests in respect of the domain name. The Respondent is neither sponsored by or affiliated with the Complainant in any way, nor the Complainant has given the Respondent permission, authorization or license to use its trademarks in any manner, including in domain names.
- iv. The Respondent is also not commonly known by the disputed Domain Name, which evinces a lack of rights or legitimate interests. Furthermore, at the time of filing the complaint, the Respondent was using a privacy WHOIS service, which past panels have also found to equate to a lack of legitimate interest.
- v. The disputed Domain Name has been registered and is being used in bad faith. The Respondent has demonstrated a knowledge of and familiarity with the Complainant's brand and business. The composition of the disputed Domain Name makes it illogical to believe that the Respondent registered the Domain Name without specifically targeting the Complainant.
- vi. Since the disputed Domain Name consists of the Complainant's TENCENT trademarks along with the term "docs", "it defies common sense to believe that the Respondent coincidentally selected the precise domain without any knowledge of the Complainant and its trademarks." See *Asian World of Martial Arts Inc. v. Texas International Property Associates*, D2007-1415 (WIPO Dec. 10, 2007).
- vii. In addition to Complainant's well-known trademarks and broad renown, the Respondent's registration of the disputed Domain Name shortly after the Complainant announced the launch of 'Tencent Docs' on April 18, 2018, strongly suggests that the Respondent knew of the Complainant and only registered the disputed Domain Name in response to the publicity generated and received by the Complainant.
- viii. The Respondent is using the disputed Domain Name to redirect internet users to a website that displays disputed Domain Name for sale, listed at a domain name marketplace. The disputed Domain Name is being offered for sale in an amount that far exceeds the Respondent's out-of-pocket expenses in registering the domain name.

- ix. In addition to the disputed Domain Name, the Respondent's email address currently holds registrations for several other domain names that misappropriate the trademarks of well-known brands and businesses, such as Disney, Huawei, Hyundai, Microsoft and Volkswagen. This fact demonstrates that the Respondent is engaging in a pattern of cybersquatting/typo-squatting, which is evidence of bad faith registration and use of the disputed Domain Name.
- x. The Respondent, at the time of initial filing of the Complaint, had employed a privacy service to hide its identity, which past Panels have held serves as further evidence of bad faith registration and use.

B. Respondent

The Respondent did not file a Response to the Complaint.

5. Findings

The Complainant has produced trademark registration certificates proving its rights to TENCENT in multiple jurisdictions. Specifically, it has held registered trademarks in China (Respondent's jurisdiction) since 2002, with renewals extending until 2032.

The Respondent registered the disputed Domain Name <tencentdocs.com> on April 18, 2018, coinciding precisely with the Complainant's public launch of its cloud-based document tool, 'Tencent Docs', earlier in the day. Presently, the disputed Domain Name is listed for sale at a Buy Now price for USD \$5000 at a domain name marketplace.

Preliminary Matters:

i. Language of the Proceedings

The language of the proceedings is in English, in accordance with the language of the domain registration agreement.

ii. The Respondent did not file a Response

The Panel considers it can proceed to determine the Complaint based on the statements and documents submitted by the Complainant as per paragraph 15(a) of the Rules and to draw inferences from the Respondents' failure to file any Response.

iii. The Consolidation of Multiple Complainants

The CNIPA trademark registration is held by the Complainant No. 2, while other registrations are held by the Complainant No. 1, hence the Complainant requests for the Consolidation of the Complainants. In terms of section 4.11.1 of the WIPO Overview 3.0, the Panel finds that the Complainants have a specific common grievance against the Respondent as they have a common legal interest in the trademarks that are central to this Complaint. It is equitable and procedurally efficient to allow the consolidation of the Complainants. Notably, the Complainant has identified the party to whom the Domain Name should be transferred.

Substantive Matters:

The ICANN Uniform Domain Name Dispute Resolution Policy provides, at Paragraph 4(a), that each of three findings must be made in order for a Complainant to prevail:

- i. Respondent's domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- ii. Respondent has no rights or legitimate interests in respect of the domain name; and
- iii. Respondent's domain name has been registered and is being used in bad faith.

The Complainant must demonstrate that it is entitled to relief under the Policy. That involves fulfilling the three-part test under the UDRP. To meet that three-part test, a Complainant must provide supporting evidence. Failure to meet that three-part test results in dismissal. The Policy requires that the evidence meets the civil standard of a "balance of the probabilities" or "preponderance of the evidence," see [*UDRP Perspectives, Para 0.2*](#). Also see section 4.2 of the WIPO Overview 3.0.

A) Identical / Confusingly Similar

Paragraph 4(a)(i) of the Policy outlines the standing requirement of the Policy. Under this clause, the Complainant must demonstrate that the domain name is identical or confusingly similar to a trademark or service mark, in which the complainant has rights. In fact, there are two parts to this enquiry. First, the Complainant has rights in the trademark. Secondly, the disputed Domain Name is identical or confusingly similar to the trademark.

The Complainant has made available the trademark registration details, as provided under 'Factual Background' above. Consequently, the Complainant has established that it has subsisting rights to the TENCENT trademark in various jurisdictions. "Where the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case," see section 1.2.1 of the WIPO Overview 3.0.

Further, "the test for confusing similarity involves a reasoned but relatively straightforward comparison between the complainant's trademark and the disputed Domain Name. This test typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed Domain Name," see section 1.7 of the WIPO Overview 3.0. The fact that a domain name wholly incorporates a complainant's registered mark, particularly where the mark is well-known and distinctive, is generally sufficient to establish identity or confusing similarity for purposes of the Policy.

The Complainant's registered trademark TENCENT is identifiable within the disputed Domain Name <tencentdocs.com>. The mere addition of a term to a trademark in a domain name does not prevent a finding of confusing similarity under the first element, see section 1.8 of the WIPO Overview 3.0. Also see [*Puma SE v. Puma, Exports Pvt Ltd, WIPO Case No. D2021-1757 <pumaexports.com>*](#): "The disputed Domain Name includes the Complainant's PUMA trademark in its entirety. Where the relevant trademark is recognizable within the disputed Domain Name, the addition of other terms does not prevent a finding of confusing similarity under the first element of the Policy."

The Panel finds that the disputed Domain Name <tencentdocs.com> is confusingly similar to the Complainant's TENCENT trademark. Further, the addition of the gTLD “.com” in the disputed Domain Name is viewed as a standard registration or technical requirement, and as such is disregarded under the first element confusing similarity test, see section 1.11.1 of the WIPO Overview 3.0.

Hence, the Panel finds that the Complainant has proven the first requirement in terms of paragraph 4(a) of the Policy.

B) Rights and Legitimate Interests

According to paragraph 4(a)(ii) of the Policy, the Complainant must prove that the Respondent has no rights or legitimate interests in respect of the disputed Domain Name. “Where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name,” see section 2.1 of the WIPO Overview 3.0.

Paragraph 4(c) of the Policy sets out illustrative circumstances which, if established by the Respondent, shall demonstrate rights to or legitimate interests in the Domain Name for the purposes of paragraph 4(a)(ii) of the Policy:

- (i) before receiving any notice of the dispute, the respondent used or made demonstrable preparations to use the domain name in connection with a bona fide offering of goods or services; or
- (ii) the respondent has been commonly known by the domain name; or
- (iii) the respondent is 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 at issue.

The disputed Domain Name has a registration as of April 18, 2018, whereas the Complainant has been using the TENCENT mark in China for more than twenty years. Specifically, the Complainant released a cloud-based document service ‘Tencent Docs’ to the public on April 18, 2018, which is exclusively associated with the Complainant. The disputed Domain Name, also registered on April 18, 2018, resolves to a website whereby the disputed Domain Name is offered for sale at USD \$5000. The Complainant alleges that the disputed Domain Name is being offered for sale in an amount that far exceeds the Respondent’s out-of-pocket expenses in registering the domain name.

In specific circumstances, a domain name for sale could be considered in connection with a bona fide offer for sale, under paragraph 4(c)(i) of the Policy. See: [*Schwanhäuser Industrie Holding GmbH & Co.KG v. Germanium World LLC*, CAC Case No. CAC-UDRP-106685](#): “where the Respondent acting as a Domain Name Investor, selected and registered the term GONSO, for its potential value as a personal name, without intent to target or taking advantage of the Complainant’s trademark GONSO, the Panel is ready to accept that the Respondent offer for sale, in this case, constitutes a bona fide offering of goods or services for the purposes of paragraph 4(c)(i) of the Policy.” Moreover, in such a scenario, it is not

even the Panel's role to determine if the price is excessive, see *So Bold Limited v. TechOps, VirtualPoint Inc.*, WIPO Case No. D2022-1100.

In contrast, this is a clear case of cybersquatting, as the disputed Domain Name is composed of the Complainant's well-known trademark and solely refers to its product 'Tencent Docs'. It is evident that the Respondent registered the disputed Domain Name with the intention of targeting and exploiting the Complainant's trademark and its public announcement regarding 'Tencent Docs.' These factors, along with the Complainant's assertions, are sufficient to constitute a prima facie case that the Respondent lacks rights or legitimate interests in the disputed Domain Name. The Respondent has not come forward to show that it does have rights or legitimate interests in the disputed Domain Name.

In similar circumstances, also see: *Tencent Holdings Limited v. CATCHDADDY LLC / Registration Private*, ADNDRC Case No. HK-2401883: "There is no evidence that the Respondent is affiliated with the Complainant or that the latter has licensed or otherwise permitted the Respondent to use the Complainant's LIGHT OF MOTIRAM trademark. There is also no evidence showing that the Respondent is commonly known by the disputed domain name. The Respondent has not provided any evidence that it has obtained any trademark rights in LIGHT OF MOTIRAM or is commonly known by the disputed domain name. The disputed domain name is also being listed for sale on a Dan.com webpage for USD \$4995, a price that likely far exceeds the Respondent's out-of-pocket registration costs. Given the particular circumstances of this case, this cannot be considered to be a legitimate use of the disputed domain name."

Hence, the Panel is satisfied that the Respondent has no rights or legitimate interests in the disputed Domain Name, and the Complainant has proven the second element of the Policy.

C) Bad Faith

"Bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark", see section 3.1 of the WIPO Overview 3.0.

Paragraph 4(b) of the Policy states that the following circumstances, in particular, but without limitation, shall be evidence of registration and use of a domain name in bad faith for the purposes of paragraph 4(a)(iii) of the Policy:

- (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 documented out-of-pocket costs directly related to the domain name; or
- (ii) the respondent 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 its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location.

The facts and circumstances of the case satisfy the Panel that the Respondent had actual knowledge of the Complainant's trademark at the time of Domain Name registration of <tencentdocs.com>, indicating opportunistic bad faith. "It is a settled law that registration of identical or confusingly similar domain name that is patently connected with a particular trademark owned by an entity with no connection with the trademark owner is indicative of opportunistic bad faith as understood in the Policy... the very use of the domain name by the Respondent who had no connection whatsoever with Complainant's mark and product suggests opportunistic bad faith" See *Klarna Bank AB v. David Jensch*, CAC-UDRP-106108. Additionally, see *Tencent Holdings Limited v. CATCHDADDY LLC / Registration Private*, ADNDRC Case No. HK-2401883, in which the same Complainant was a victim of opportunistic bad faith.

In addition, the Respondent's ownership of other infringing domain names incorporating well-known trademarks like 'Disney', 'Microsoft', 'Hyundai', and so on establishes a pattern of bad faith conduct as outlined in clause 4(b)(ii) of the Policy. The Panel finds that the Respondent registered the disputed Domain Name <tencentdocs.com> in order to prevent the Complainant from reflecting the mark in a corresponding domain name, and the Respondent has engaged in a pattern of such conduct, in terms of clause 4(b)(ii) of the Policy. See *Bayer AG, Bayer Schering Pharma AG, Bayer Schering Pharma Oy v. Mihail Gordenco, Old Navy Ltd.*, WIPO Case No. D2009-1697: "There is clear evidence that the Respondent has engaged in a pattern of such conduct as there is evidence of further domain name registrations held by the Respondent, all incorporating trademarks of third parties."

Moreover, the disputed Domain Name resolves to a webpage, indicating it is available for purchase at USD \$5000, which the Complainant alleges exceeds the documented out-of-pocket expenses directly associated to the domain name. Given the facts and circumstances of this case, the Panel finds that the Respondent registered the disputed Domain Name <tencentdocs.com> for the purpose of selling it to the Complainant for valuable consideration in excess of documented out-of-pocket costs directly related to the domain name, in violation of clause 4(b)(i) of the Policy. See *Tencent Holdings Limited v. He Huang, Working Venture Capital Inc.*, WIPO Case No. DAI2023-0024: "In all of these circumstances, the Panel considers it more probable than not that the Respondent registered the disputed domain name with the primary intent of selling it to the Complainant for an amount in excess of its out-of-pocket costs as anticipated by paragraph 4(b)(i) of the Policy."

The Complainant also alleges that the Respondent had employed privacy service to hide its identity. "Registrars allow the use of privacy protections, however, and as such it cannot be taken as ipso facto evidence of bad faith. There are any number of plausible reasons a registrant might choose to use a privacy service that do not involve bad faith.", see Panel *Enterprise Products Partners L.P. v. Domain Admin / Media Matrix LLC*, NAF-FA2212002025287. However, in this particular case "it appears that a Respondent employs a privacy or proxy service merely to avoid being notified of a UDRP proceeding filed against it, panels tend to find that this supports an inference of bad faith; a Respondent filing a response may refute such inference", see section 3.6 of Overview 3.0. In this

instance, since the Respondent has not submitted a response, the Panel is convinced that the WHOIS privacy service was employed in bad faith.

Hence, the Panel is satisfied that the Respondent has both registered and used the disputed Domain Name in bad faith, and the Complainant has proven the third element of the Policy.

6. Decision

The Panel finds that the Complainant has met the requirements of Paragraph 4 of the Policy, and the complaint is established.

In paragraph 9 of the complaint, the Complainant requested the Panel to transfer the disputed Domain Name to the Complainant No. 2 - 腾讯科技（深圳）有限公司 [Tencent Technology (Shenzhen) Co., Ltd.].

Consequently, the disputed Domain Name <tencentdocs.com> is to be transferred to Complainant No. 2 in accordance with Article 15 of the UDRP Rules.

Ankur Raheja
Panelist

Dated: 13 September 2024