



(Kuala Lumpur Office)

ADMINISTRATIVE PANEL DECISION

Case No.	KLRCA/ADNDRC-393-2016
Complainant:	Genting Berhad
Respondent:	Chang Yeow Liew
Disputed Domain Name:	<genting88.com>

1. The Parties

The Complainant is Genting Berhad of Kuala Lumpur, Malaysia, represented by Bahari Yeow Tien Hong, Malaysia.

The Respondent is Chang Yeow Liew of Kuala Lumpur, Malaysia, self-represented.

2. The Domain Name and Registrar

The disputed domain name <genting88.com> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the Kuala Lumpur Office of the Asian Domain Name Dispute Resolution Centre (the "Center") at some time on or before 3 June 2016. On 3 June 2016, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On 3 June 2016, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on 6 June 2016, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on 8 June 2016.

The Center verified that the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the Asian Domain Name Dispute Resolution Centre Supplemental Rules to the Policy and the Rules (the "Supplemental Rules").

The Center formally notified the Respondent of the Complaint, and the proceedings commenced on 9 June 2016. In accordance with the Rules, the due date for the Response was 29 June 2016. The Respondent transmitted its response on 16 June 2016, the complete content of which was the statement "The domain has been removed". In communications on 20 June 2016, the Centre enquired whether Complainant wished to continue with the proceedings, and the Complainant responded that it did.

The Center appointed Andrew F. Christie as the sole panelist in this matter on 21 June 2016. The Panel finds that it was properly constituted. The Panel has submitted a statement of impartiality and independence, as required by the Center to ensure compliance with the Rules.

4. Factual Background

The Complainant is, along with Genting Singapore PLC and Genting International Management Limited, part of the Genting group of companies (“Genting Group”). The Complainant is the investment holding and management company of the Genting Group. The core businesses of the Genting Group are leisure, hospitality and casino operations. The Genting Group has diversified to include global investments in oil palm plantations, power generation, oil and gas, property development, cruise, biotechnology and other industries. The Complainant and the Genting Group have a strong international business presence in, but not limited to, the United States of America (“USA”), China, Singapore and Malaysia.

Companies of the Genting Group are the registered owners of trademark registrations for the word trademark GENTING in a number of countries, including China, Malaysia, the USA and Singapore. While most of these registrations are in the name of Genting International Management Limited, the Complainant is the registered owner of registrations for the word trademark GENTING in Malaysia, the earliest of which appears to date from 28 September 2007.

The disputed domain name was registered on 15 December 2015. The Complainant has provided a screenshot of the website to which the disputed domain name resolved on 9 May 2016. That website contained the heading “Online Casino Malaysia, Gambling Games” and purported to offer gambling opportunities. As of the date of this decision, it appears that the disputed domain name no longer resolves to any website.

5. Parties’ Contentions

A. Complainant

The Complainant contends that the disputed domain name is confusingly similar to a trademark or service mark in which the Complainant has rights because the word “genting” forms part of the domain name, and the Respondent provides gambling or casino services which are similar to the services provided by the Complainant and the Genting Group. The disputed domain name is therefore likely to mislead the public into believing that it belongs to, or is related to, the Complainant and/or the Genting Group.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name because: (i) it did not authorize or consent to the Respondent to use the trademark GENTING or to register the disputed domain name; (ii) the wrongful registration of the disputed domain name infringes the intellectual property rights, and violates the legal rights, of the Complainant and/or the Genting Group, and is unlawful, illegal and/or *mala fide*; and (iii) the unlawful act of the Respondent in using and/or registering the disputed domain name has, or is likely to, deceive and confuse members of the trade and public into believing that the disputed domain name is that of the Complainant and/or associated to the Complainant, and such misrepresentation damages the Complainant’s business, goodwill and reputation.

The Complainant contends that the disputed domain name has been registered and is being used in bad faith because: (i) its registration is clearly tainted with *mala fide* intention as the Respondent knows very well that the Complainant owns the trademark GENTING, and the Respondent has registered it for unlawful financial benefits; and (ii) the Respondent has registered the disputed domain name to provide similar services to the Complainant, and has attempted to ride on its goodwill or to mislead the public and take unfair advantage.

B. Respondent

The Respondent did not reply to the Complainant’s contentions. The only response provided by the Respondent in the proceedings was the statement “The domain has been removed”.

6. Discussion and Findings

A. Identical or Confusingly Similar

The disputed domain name incorporates the whole of the Complainant's registered word trademark GENTING, with the addition of the numerals "88" and the generic Top-Level Domain (gTLD) identifier ".com". The distinctive component of the disputed domain name is "genting", which is identical to the Complainant's GENTING trademark. The Panel finds the addition of the numerals "88" does not lessen the inevitable confusion of the disputed domain name with the Complainant's GENTING trademark. The number eight is associated with good fortune in Chinese tradition, and the string "88" visually resembles the Chinese characters for "double joy". Thus, the addition of the numerals "88" does not dispel the confusion of the domain name with the Complainant's trademark given that the Complainant's trademark is used and known in relation to gambling. Accordingly, the Panel finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

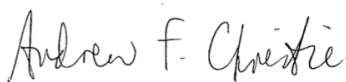
The Respondent is not a licensee of, or otherwise affiliated with, the Complainant, and has not been authorized by the Complainant to use its GENTING trademark. The Respondent has not provided any evidence that it has been commonly known by, or has made a *bona fide* use of, the disputed domain name, or that it has, for any other reason, rights or legitimate interests in the disputed domain name. The evidence provided by the Complainant shows that the disputed domain name was used to resolve to a website purporting to offer gambling services similar to those offered by the Complainant. According to the present record, therefore, the disputed domain name is not being used in connection with a *bona fide* offering of goods or services, or for a legitimate noncommercial or fair use. Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

The disputed domain name was registered many years after the Complainant first registered its GENTING trademark. The evidence on the record provided by the Complainant with respect to its use of the GENTING trademark and the content of the website to which the disputed domain name resolved, combined with the absence of any evidence provided by the Respondent to the contrary, is sufficient to satisfy the Panel that, at the time the disputed domain name was registered, the Respondent knew of the Complainant's GENTING trademark and knew that it had no rights or legitimate interests in the disputed domain name. Furthermore, the evidence on the record provided by the Complainant with respect to the Respondent's use of the disputed domain name indicates that the Respondent has used the disputed domain name to attract, for commercial gain, Internet users to a website by creating confusion with the Complainant's GENTING trademark as to the affiliation of that website. For all these reasons, the Panel is satisfied that the disputed domain name has been registered and is being used in bad faith.

7. Decision

For the foregoing reasons, in accordance with the Complainant's request and pursuant to paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <genting88.com> be cancelled.



Andrew F. Christie
Sole Panelist

Date: 5 July 2016