



Asian Domain Name Dispute Resolution Centre

hong kong

(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.:	HK-1901243
Complainant:	Taylor Vinters Via LLC
Respondent:	qd
Disputed Domain Name:	<taylovrintersvia.com>

1. The Parties and Contested Domain Name

1. The Complainant is Taylor Vinters Via LLC, of 152 Beach Road, #10-08 Gateway East, Singapore 189721.
2. The Respondent is qd, of 32 Littell Road, East Hanover, NJ 07936, East Hanover, NJ 07936, United States.
3. The domain name at issue is <taylovrintersvia.com>, registered by Respondent with Google LLC, of 1600 Amphitheatre Parkway, Mountain View, California 94043.

2. Procedural History

4. The Complainant filed this complaint with the Asian Domain Name Dispute Resolution Centre (ADNDRC) (Hong Kong Office) on 18 April 2019.
5. After ADNDRC liaised with Registrar of the disputed domain name to confirm the identity of the Respondent, a copy of the Complaint was sent to the Respondent on 3 May 2019.
6. The Respondent failed to respond within 20 calendar days as required under paragraph 5 of the UDRP Rules and on 27 May 2019 was held as being in default.
7. On 3 June 2019, after confirming that he was able to act independently and impartially between the parties, the ADNDRC appointed David Allison as the sole Panelist in this matter.

3. Factual background

8. The Complainant is a Singapore based law firm and part of the international law firm, Taylor Vinters. The Complainant was originally known as Via Law Corporation, but

changed its name to Taylor Vinters Via LLC after partnering with the UK based Taylor Vinters LLP in 2017.

9. The Respondent failed to file a Response within the deadline. Accordingly, very little is known about the Respondent.

4. Parties' Contentions

A. Complainant

The Complainant's contentions may be summarized as follows:

- i. The disputed domain name is confusingly similar to the "TAYLORVINTERSVIA" unregistered trademark owned by the Complainant.
- ii. The Respondent has used the disputed domain name to impersonate staff of the Complainant in an attempt fraudulently solicit payment – otherwise known as phishing.
- iii. The Respondent has clearly registered and used the disputed domain name in bad faith, most clearly illustrated by its phishing attempts.

B. Respondent

The Respondent did not file a submission within the deadline.

5. Findings

10. 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.

A) Identical / Confusingly Similar

11. The Complainant does not possess any registered trademark rights to the mark TAYLORVINTERSVIA. Rather, the Complainant asserts that it possesses unregistered trademark rights which are sufficient to meet the threshold question that the Complainant has sufficient rights.
12. It is well established that a UDRP Compliant may be based on unregistered trademark rights. However, in such cases the Panel must be satisfied that the unregistered mark has acquired distinctiveness and is not merely comprised of descriptive elements. To satisfy the Panel, sufficient relevant evidence must be submitted to establish the acquired distinctiveness of the mark.
13. In this case, the Complainant has submitted sufficient relevant evidence to establish that it has rights in the unregistered mark TAYLORVINTERSVIA. Such evidence included evidence of awards and rankings, press articles, evidence of speaking

arrangements and general media attention. In addition, the mark is not composed purely of descriptive elements but rather is a combination of the Complainant's partner UK firm's name (ie Taylor Vinters) and the Complainant's former name (ie Via Law Corporation). Overall, the Panel holds that the Complainant has established that it has sufficient rights in the unregistered mark.

14. When comparing the Complainant's mark and the disputed domain name, it is clear that they are confusingly similar. Here, the Respondent has adopted a misspelling of the Complainant's mark. As demonstrated by the evidence, the Respondent has attempted to use the disputed domain name to confuse consumers and has engaged in phishing attempts.
15. Accordingly, the Panel has no hesitation in holding that the Complainant's mark and the disputed domain name are confusingly similar. Thus, the first element is satisfied.

B) Rights and Legitimate Interests

16. The Complainant argues that the Respondent has used the disputed domain name in a fraudulent phishing attempt to confuse third parties and extort monies from them by sending emails, ostensibly from members of the Complainants firm. This evidence appears credible and as there is no response from the Respondent, it has been accepted by the Panel.
17. It is well accepted that use of a disputed domain name for illegal or fraudulent activities, including phishing attempts, can never be held to be a legitimate use of the disputed domain name. In light of the clear evidence of the phishing attempt conducted by the Respondent, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name and therefore, the second element is satisfied.

C) Bad Faith

18. To establish the third element, the Complainant must establish that the Respondent both registered and used the disputed domain name in bad faith. In this case, the Complainant has adduced evidence to show the phishing attempts conducted by the Respondent through misuse of the disputed domain name. This is an obvious case of bad faith and as such the Panel concludes that the third element is made out.

6. Decision

19. The Panel finds that the Complainant has satisfied all three elements of UDRP paragraph 4(a). Accordingly, the Panel orders that the disputed domain name <**taylovrintersvia.com**> be transferred to the Complainant.



David Allison
Panelist
Dated: 12 June 2019