



Asian Domain Name Dispute Resolution Centre

hong kong

(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-1701023
Complainant:	Intel Corporation
Respondent:	Ananya, Teleintel Co.,Ltd
Disputed Domain Name:	<tele-intel.com>

1. The Parties and the Disputed Domain Name

The Complainant is Intel Corporation, of 2200 Mission College Boulevard, MS RNB-4-151, Santa Clara, California 95054, United States of America (“USA”).

The Respondent is Ananya, Teleintel Co.,Ltd, of 6th Fl, 318 Evergreen Place, Phayathai Road, Rajathewee Bangkok, 10400, Thailand.

The domain name at issue is <tele-intel.com>, registered by the Respondent with PDR LTD. D/B/A PUBLICDOMAINREGISTRY.COM of 501, IT Building No 3, NESCO IT Park, NESCO Complex, Western Express Highway, Goregaon (East), Mumbai – 400063, Maharashtra, India.

2. Procedural History

The Complaint was filed with the Hong Kong office of the Asian Domain Name Dispute Resolution Centre (the “Centre”) on September 25, 2017. On September 27, 2017, the Centre transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 29, 2017, the Registrar transmitted by email to the Centre its verification response disclosing registrant and registrar information for the disputed domain name which differed from the named Respondent and Registrar information in the Complaint. The Centre sent an email communication to the Complainant on October 4, 2017 providing the registrant and registrar information disclosed by the Registrar, and inviting the Complainant to submit an amended Complaint. The Complainant filed an amended Complaint on October 9, 2017.

The Centre has verified that the Complaint satisfies the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy”), the Rules of Procedure under the Policy (the “Rules”) and the Centre’s Supplemental Rules.

In accordance with the Rules, the Centre formally notified the Respondent of the Complaint, and the proceeding commenced, on October 10, 2017.

In accordance with the Rules, the due date for the Response was October 30, 2017. The Respondent did not submit any response. Accordingly, the Centre notified the Respondent's default on October 31, 2017.

The Centre appointed Sebastian Hughes as the Panelist in this matter on November 8, 2017. The Panel finds that it was properly constituted and has acted impartially in reaching its conclusion.

3. Factual Background

A. Complainant

The Complainant is a company incorporated in the State of California in the USA and is the owner of numerous registrations in jurisdictions around the world for the trade mark INTEL (the "Trade Mark"), including several registrations in Thailand, for example, registration number Kor31459, registered since August 17, 1984.

The Complainant was established in 1968 and introduced the world's first microprocessor in 1971. The Complainant is a leader in the global innovation of microprocessors, semiconductors, communications and networking. The Complainant has around 300 offices worldwide and employs around 100,000 staff worldwide.

In April 1996, the Complainant founded its subsidiary in Thailand, Intel Microelectronics (Thailand) Ltd.

The Trade Mark has been recognised as a well-known trade mark in Thailand in trade mark opposition decisions issued by the Registrar of Trade Marks in Thailand which pre-date the date of registration of the disputed domain name. In 2001 (prior to the date of registration of the disputed domain name), the Trade Mark was ranked number 6 in the Interbrand survey of Best Global Brands; and in 2002 the Trade Mark was ranked number 5 in the same survey.

B. Respondent

The Respondent is a company incorporated in Thailand.

C. The Disputed Domain Name

The disputed domain name was registered on June 17, 2002.

D. The Website at the Disputed Domain Name

The disputed domain name is resolved to a website which promotes the Respondent's facility rental and set-up; telemarketing; and data management services under the device mark TeleIntel and with reference to the prominent contact email address <contact@tele-intel.com> (the "Respondent's Website").

4. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is confusingly similar or identical to the Trade Mark, the Respondent has no rights or legitimate interests in respect of the disputed domain name, and the disputed domain name was registered and is being used in bad faith.

B. Respondent

The Respondent did not respond to the Complainant's contentions.

5. Findings

The Complainant must prove each of the three elements in paragraph 4(a) of the Policy in order to prevail.

A) Identical / Confusingly Similar

The Panel finds that the Complainant has rights in the Trade Mark acquired through use and registration.

The disputed domain name incorporates the entirety of the Trade Mark, together with a hyphen and the prefix "tele". The Panel finds that the use of the generic word "tele" in the disputed domain name, a word which is directly descriptive of one of the services apparently offered by the Respondent on the Respondent's Website, does not serve to distinguish the disputed domain name from the Trade Mark in any significant way.

The Panel considers that the use in the disputed domain name of a hyphen in between the prefix "tele" and the word "intel" serves both to highlight the prominence of the Trade Mark in the disputed domain name, and to heighten the confusing similarity between the disputed domain and the Trade Mark.

The Panel therefore finds that the disputed domain name is confusingly similar to the Trade Mark.

B) Rights and Legitimate Interests

Paragraph 4(c) of the Policy provides a list of non-exhaustive circumstances any of which is sufficient to demonstrate that a respondent has rights or legitimate interests in a disputed domain name:

(i) before any notice to the respondent of the dispute, the respondent's use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services; or

(ii) the respondent (as an individual, business, or other organization) has been commonly known by the disputed domain name even if the respondent has acquired no trade mark or service mark rights; or

(iii) the respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trade mark or service mark at issue.

The Complainant has not authorised, licensed, or permitted the Respondent to register or use the disputed domain name or to use the Trade Mark. The Panel finds on the record that there is therefore a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name, and the burden is thus on the Respondent to produce evidence to rebut this presumption.

The Respondent has failed to show that it has acquired any trade mark rights in respect of the disputed domain name or that the disputed domain name has been used in connection with a *bona fide* offering of goods or services.

The Complainant has adduced evidence of the Respondent's unsuccessful attempt to register in Thailand a device mark comprising the TeleIntel logo featured on the Respondent's Website together with the words "Intense business Solutions". The Respondent's application to register such trade mark was successfully opposed by the Complainant, and the Respondent's appeal to the Trade Mark Board was dismissed. The Panel considers it is no coincidence that the first four letters of the slogan "Intense business Solutions" are identical to the first four letters of the Complainant's Trade Mark.

The disputed domain name has been registered since June 17, 2002 and it appears from the evidence put before the Panel by the Complainant that the parties have been coexisting in the marketplace in Thailand for many years. The Respondent has been using the disputed domain name in respect of the Respondent's Website to promote the Respondent's business.

The Panel notes, however, that, on the undisputed evidence adduced by the Complainant, the Respondent's attempts to register in Thailand its TeleIntel logo (comprising the Trade Mark) have been unsuccessful. The Panel also notes that the Trade Mark has been recognised as a well-known mark in Thailand in several trade mark opposition decisions and court decisions (including the Trade Mark Board decision dismissing the Respondent's trade mark appeal), including decisions which predate the registration of the disputed domain name.

There has been no evidence adduced to show that the Respondent has been commonly known by the disputed domain name.

There has been no evidence adduced to show that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name.

The Respondent has failed to produce any evidence to rebut the Complainant's *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name.

In all the circumstances, and in light also of the Respondent's failure to put forward any positive case, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

C) Bad Faith

In light of the Panel's findings under section B) above, and in light of the undisputed evidence of the Respondent's use of the Respondent's Website in the manner described above, the Panel finds the requisite element of bad faith has been satisfied, under paragraph 4(b)(iv) of the Policy.

The Panel finds that the Respondent has registered and used the disputed domain name in order to capitalise on the repute of the Complainant's well-known Trade Mark in Thailand. Furthermore, the Respondent promotes and offers on the Respondent's Website data management services, which services are also offered by the Complainant under the Trade Mark.

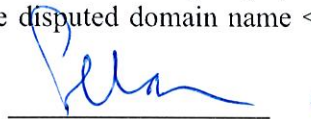
The Panel further finds that the prominent use on the Respondent's Website of both the Respondent's TeleIntel logo comprising the Trade Mark; and the contact email address <contact@tele-intel.com>, provides further support for a finding of bad faith.

The Panel considers that, in all the circumstances, it is no coincidence that the Respondent chose to register and prominently use the disputed domain name comprising the Complainant's well-known trade mark separated from the suffix "tele" by a hyphen, which serves to highlight the prominence of the Trade Mark in the disputed domain name. The Panel considers it is inconceivable that the Respondent was not aware of the Complainant and of its well-known Trade Mark when the Respondent chose to register (and commence use of) the disputed domain name.

For all the foregoing reasons, the Panel concludes that the disputed domain name has been registered and is being used in bad faith.

6. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <tele-intel.com> be transferred to the Complainant.



Sebastian Hughes
Panelist

Dated: November 22, 2017