1. Procedural History

The Complaint was filed with the Hong Kong International Arbitration Centre (the “Centre”) on January 16, 2014. On the same day, the Centre transmitted by email to Canada 001 names Ltd. (the Registrar of the domain name) a request for registrar verification in connection with the domain name at issue. On February 26, 2014, the Centre requested the Complainant to revise deficiencies of the Complaint and provide the Chinese translation thereof. On February 27, 2014, the Complainant requested to use English as the language of the proceedings and submitted the revised Complaint. The Centre confirmed receipt of the revised Complaint and the language request on February 28, 2014. The Centre verified that the Complaint satisfied the formal requirements of the CNNIC Domain Name Dispute Resolution Policy (“CNDRP”) issued by the China Internet Network Information Center (“CNNIC”) and becoming effective on 28 June 2012 and the Rules for CNNIC Domain Name Dispute Resolution Policy (“Rules of CNDRP”) issued by the CNNIC and becoming effective on 28 June 2012, and the HKIAC Supplemental Rules for CNDRP and Rules of CNDRP (“Supplemental Rules”), issued by the Hong Kong International Arbitration Centre and becoming effective on 28 June 2012.

In accordance with the Rules, the Centre attempted to formally notify the Respondent of the Complaint however no response was received, and the proceedings commenced on February 28, 2014. In accordance with Article 17 of the Rules, the due date for Response was March 24, 2014. The Respondent did not submit any response.

The Centre appointed Matthew Murphy as the sole panelist in this matter on April 3, 2014. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence.

The Panel considered the request of the Complainant for the decision to be issued in the English language, and on the date of issue of this decision, the Panel agreed to issue this decision in English.

2. Factual background
The Complainant - KAVLICO CORPORATION claims that it is one of the world's largest suppliers of pressure sensors, with its headquarter located in California. KAVLICO is a brand of Custom Sensors & Technologies (CST) owned by the Complainant and they have a number of industrial applications, including use in industries, such as transportation, building equipment, energy & infrastructure, food & beverage, medical and aerospace and defense. The word “KAVLICO” has also been registered as trademark under the name of the Complainant and used as domain names by the Complainant. The Complainant has provided details of international registration for its trademark “KAVLICO” – the Panel notes in particular that the terms “KAVLICO” is registered as or contained in, the trademark registered in China under Registrations No.1348669 and No. 5621475. The Complainant has also provided evidence to show several domain names similar to trademark “KAVLICO”, are owned by the Complainant.

The Respondent is 林智茂 (LIN, Zhi Mao), an individual, whose email address is domain.for.sale.lzm@gmail.com. The Respondent did not provide any submissions or evidence in this matter.

3. Parties’ Contentions

A. Complainant

The Complainant’s contentions may be summarized as follows:

i. DISPUTED DOMAIN NAME IDENTICAL TO THE COMPLAINANT'S MARK

The disputed domain name <kavlico.com.cn> incorporates the terms “kavlico” which is identical to the Complainant’s prior registered trademark “KAVLICO”. As to the “.com.cn” part, such part is not sufficient to prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark, as well its domain names.

ii. NO RIGHTS OR LEGITIMATE INTERESTS TO THE DISPUTED DOMAIN NAME

The Complainant argues that the Respondent has no relationship with the Complainant’s business or the right to use the “KAVLICO” trademark. In addition, the Respondent is not known as KAVLICO and fails to provide evidence of using the domain name since its registration. It indicates that the Respondent has no legitimate interest by maintaining the disputed domain name.

iii. DOMAIN NAME REGISTERED AND USED IN BAD FAITH

The Complainant contends that the Respondent was aware of the Complainant’s trademark when registering the domain name on the grounds that 1) the domain name is identical to the trademark KAVLICO registered in China; 2) the Complainant has also had a presence in China since 2012; 3) the term KAVLICO is only known in relation with the Complainant’s goods; and 4) the website related to the disputed domain name is inactive.
B. Respondent

The Respondent has not asserted any claims, defenses or contentions.

4. Findings

Article 8 of CNDRP provides that a complaint against a registered domain name shall be supported if the following conditions are fulfilled:

i. The disputed domain name is identical with or confusingly similar to the Complainant’s name or mark in which the Complainant has civil rights or interests;

ii. The disputed domain name holder has no right or legitimate interest in respect of the domain name or major part of the domain name;

iii. The disputed domain name holder has registered or has been using the domain name in bad faith.

Article 7 of CNDRP states that the Complainant and the Respondent shall bear the burden of proof for their own claims. With reference to the complaint and the attached documents, the Panel of this case considers that:

**Identical or Confusing Similarity**

The Panel finds that the Complainant has established that it has rights or interests in the term “KAVLICO” as well as the registered trademark in China. Internet users may easily understand the domain name to refer to the Complainant’s products, since the domain name includes the Complainant’s mark and the mark itself, is a distinctive mark that is highly attributable to the Complainant. Accordingly, the domain name <kavlico.com.cn> is identical to the trademark “KAVLICO” owned by the Complainant.

**Rights or Legitimate Interests of the Respondent**

There is no evidence that the Respondent had any rights or legitimate interests whatsoever in respect of the trademark “KAVLICO”, or that there was any association between the trademark “KAVLICO” and its activities, before registering the domain name. Given that the Respondent has not provided any evidence to support a right or legitimate interest in the domain name, the Panel finds that the Respondent has no rights or legitimate interests in respect of the domain name.

**Bad Faith**

The trademark “KAVLICO” is well-known enough that it is presumable that the Respondent knew about its existence when registering the domain name (see Banca Sella S.p.A. v. Mr. Paolo Parente, WIPO Case No. D2000-1157; Expedia, Inc. v. European Travel Network, WIPO Case No. D2000-0137). No argument has been submitted by the
defaulting Respondent in order to counter these findings. The Panel concludes that the domain name has been registered in bad faith.

As far as use of the domain name in bad faith is concerned, the Panel concludes that the Respondent’s holding of the domain name in this particular case satisfies the requirement that the domain name “is being used in bad faith” by the Respondent (see Telstra Corporation Limited v Nuclear Marshmellows, WIPO Case No. D2000-0003; CBS Broadcasting, Inc. v. Dennis Toeppen, WIPO Case No. D2000-0400) - the Complainant’s trademark is very distinctive and widely known, as evidenced by its substantial use and registration in various countries throughout the world, and the Respondent has provided no evidence of any actual or contemplated good faith use by it of the domain name. Further, the Respondent’s email address (domain.for.sale.lzm@gmail.com) and the inactivity of the domain name indicate that the Respondent has no plan for using the disputed domain name in good faith.

**Appropriate Remedy**

In conclusion, the request for transferring the disputed domain name <kavlico.com.cn> to the Complainant is in compliance with Article 8 of the CNDRP and shall be supported.

5. **Decision**

Pursuant to Article 14 of the CNDRP, this Panel orders that the domain name <kavlico.com.cn> be transferred to the Complainant.

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Matthew Murphy
Sole Panelist

10 April 2014