1. **Procedural History**

On 11 June 2020, the Complainant filed a Complaint in this matter with the Hong Kong International Arbitration Centre (HKIAC) pursuant to the CNNIC ccTLD Dispute Resolution Policy (the “Policy”) implemented by CNNIC on 18 June 2019. On the same day, the HKIAC confirmed receipt of the Complaint and requested the Complainant to submit the case filing fee.

On 11 June 2020, HKIAC notified 广东金万邦科技投资有限公司 ("Registrar") of the Disputed Domain Names of the proceedings by email. On 12 June 2020, Registrar acknowledged the email of HKIAC confirming that the Disputed Domain Names are registered with Registrar, that 罗定市一胜百模具有限公司 is the holder of the Disputed Domain Names, that the CNNIC ccTLD Dispute Resolution Policy ("Policy") is applicable to the Disputed Domain Names, the language of the Disputed Domain Names is Chinese as provided by the WHOIS information in relation to the Disputed Domain Names and confirmed that the Disputed Domain Names are under Registrar lock status.

On 29 June 2020, the HKIAC sent a Written Notice of Complaint ("Notification"), together with the Complaint, to the email address of Respondent’s nominated registrant contacts for the Disputed Domain Names (as recorded in the WHOIS database). The Notification gave the respondents twenty (20) calendar days to file a Response (i.e. on or before 19 July 2020).

The Panel comprising of Dr. Shahla F. Ali as a single panelist was appointed by the HKIAC on 21 July 2020. The papers pertaining to the case were delivered to the Panel by email on the same day.

2. **Factual background**

The Complainant, Voestalpine High Performance Metals Pacific Pte Ltd. (formerly ASSAB Pacific Pte Ltd.) was established in 1945 to market high quality tool steel from Sweden and has been known for its quality standards. With its headquarters in Singapore, the
Complainant submits that it operates around 50 offices in the Asia Pacific supplying the steel, metallurgical tooling services and technical knowhow. It further submits that, through anchoring the distribution network for Uddeholm, a well known tool steel company, they together service leading multinational companies across practically all key industrial sectors in more than 90 countries.

The Complainant submits that in the Greater China region, ASSAB is called Yi Sheng Bai (一胜百) which means “One beats One Hundred” highlighting its position as an industry leader. ASSAB’s history in China dates back more than 60 years, and its tool steel has been distributed in Southern China from the mid 1950s. Furthermore, the Complainant submits that it established its first wholly owned outlet in Shenzhen in the early 1990s; and since then it has grown to be the leading foreign distributor of quality tool steel and services in China, with more than 500 employees in 22 locations and 18 affiliates across China.

In addition, the Complainant submits that it owns trademark registrations for the “ASSAB” trademark and other related trademarks (“ASSAB trademarks”) in various jurisdictions worldwide. Among the ASSAB trademarks, the Complainant registered its “ASSAB” mark in class 6 in Hong Kong in July 13, 1957 under No. 19570513. It also owns many ASSAB trademarks in Mainland China, such as No. 1055408 “一勝百 ASSAB” in class 6 registered on July 14, 1997.

The Respondent, 罗定市一胜百模具有限公司, registered <assab100.cn>, (“Disputed Domain Name 1”) on 16 November 2017 and <assab102.cn> (“Disputed Domain Name 2”) on 22 January 2018. The Respondent did not file a Reply with the Centre.

3. Parties’ Contentions

A. Complainant

The Complainant’s contentions may be summarized as follows:

i. The disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights:

The Complainant claims that it owns prior trademark rights in the “ASSAB” trademark in various jurisdictions worldwide. For instance, it obtained its registration for the “ASSAB” trademark in class 6 in Hong Kong (Reg. No. 19570513) on July 13, 1957, long before the registration date of the Disputed Domain Names.

The Complainant claims that the Disputed Domain Name 1 < assab100.cn > and Disputed Domain Name 2 <assab102.cn> contain two elements, “assab100” and “assab102” and top-level domain “.cn”. Since the top-level “.cn” does not have trademark significance as established by many UDRP precedents, it confers no distinctiveness to the domain name sufficient to avoid user confusion. The only distinctive part of the Disputed Domain Name should be considered to be
“assab”, which is identical to the Complainant’s “ASSAB” trademark. As "100" and "102" are just numerical numbers, they cannot be recognized as being distinctive and could be interpreted as a model number. Thus, the only distinctive part of the disputed domain names should be "assab", which is identical to the Complainant's "ASSAB" trademark. Thus, the Complainant contends that the Disputed Domain Names contain its “ASSAB” trademark as well as its trade name in its entirety, and such resemblance will no doubt mislead consumers into believing that the website is operated by or associated with the Complainant.

In addition, the Complainant contends that it maintains a significant presence in Dongguan, China and has participated in several trade fairs and exhibitions in the area. The disputed domain name 1 <assab100.cn> and disputed domain name 2 <assab102.cn> both resolve to websites operated under the name of a PRC company called 一胜百模具（东莞）有限公司 (Yi Sheng Bai Mould (Dongguan) Co., Ltd.). The Complainant has a Dongguan subsidiary with the exact same name, 一胜百模具（东莞）有限公司 / ASSAB Tooling (Dongguan) Co., Ltd. and therefore consumers may be led to believe that it is an entity or subsidiary affiliated with the Complainant.

In addition, the home page of www.assab100.cn website contains a photograph which is obviously copied from the Complainant’s www.assab-china.com homepage. The www.assab102.cn website also contains a photograph of the Complainant’s 一胜百模具（东莞）有限公司 / ASSAB Tooling (Dongguan) Co., Ltd. building and the Complainant's booth at an exhibition, which show the Complainant's "ASSAB" and "ASSAB Logo" marks (Reg. No. 923529).

ii. The Respondent has no rights or legitimate interests in respect of the domain names:

The Complainant claims that according to the Whois record the Respondent registered the disputed domains names in January 2018, long after most of the applications and registration dates of the Complainant's "ASSAB Series Marks". It contends that its ASSAB trademarks have acquired significant recognition worldwide after years of extensive use. The Complainant claims that it has no prior connection with the Respondent, nor has it authorized the Respondent to use its mark in the Disputed Domain Name. Since the mark ASSAB is not a commonly used English term and there is no evidence showing that the Respondent has been commonly known by the Disputed Domain Name, the Complainant considers that it indicates the Respondent’s deliberate attempt to take advantage of the “ASSAB” mark for commercial gain.

iii. The disputed domain names have been registered and is being used in bad faith:

The Complainant claims that the bad faith can be shown based on the following grounds: 1) the long history and high degree of fame enjoyed by the Complainant and its trademarks in the world, including in East Asia and China; 2) the filing dates of the Complainant’s marks long before the registration date of
the Disputed Domain Names; 3) the incorporation of the Complainant’s well-known trademark in its entirety in the Disputed Domain Names; 4) The various additional infringing domain names associated with the Respondent targeting the Complainant's "ASSAB" trademark; 5) the striking similarity of the Complainant’s and the Respondent’s websites and images; 6) The false and misleading claims regarding its history on the website; and; and 7) the use of the Complainant’s Chinese mark “一审百 (ASSAB in Chinese)” in the Respondent’s Chinese company name.

B. Respondent

The Respondent’s contentions may be summarized as follows:

The Respondents did not submit a reply.

4. Findings

As to the case, 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:

Preliminary Issue: Language of Proceedings

Prior to the Panels consideration of the application of Article 8 of the CNDRP Policy to the facts in this case, one preliminary issue must be addressed: the language of the proceedings.

With regard to the language of the proceedings, according to Article 6 of the CNNIC ccTLD Dispute Resolution Policy (“Policy”), the language of the domain name dispute resolution proceedings shall be Chinese, unless otherwise agreed by the parties or determined by the Panel.

While the Panel observes that the language of the registration agreements of Respondent is Chinese, in accordance with the Rules of CNNIC ccTLD, the Panel has the authority to determine the language of the proceedings, having regard to the circumstances. Having reviewed the Complainants submission, including consideration of the costs of translation and given that the language of the disputed domain name is English, and that the
Respondent has not issued any objection, for reasons of efficiency the Panel has thus determined that the language of the proceedings is English.

**Identical or Confusing Similarity**

The Complainant has established its right to the “ASSAB” trademarks by submitting trademark registration certificates and records in a number of jurisdictions including in Hong Kong and Mainland China. The Disputed Domain Name 1 <assab100.cn> and Disputed Domain Name 2 <assab102.cn> contain two elements, “assab100” and “assab102” and top-level domain “.cn.” Since the top-level “.cn” does not have trademark significance as established by many UDRP precedents, it confers no distinctiveness to the domain name sufficient to avoid user confusion. The only distinctive part of the Disputed Domain Name should be “assab” which is identical to the Complainant’s “ASSAB” trademark. As "100" and "102" are just numerical numbers, they cannot be recognized as being distinctive and may be interpreted as a model number. Thus, the only distinctive part of the disputed domain names should be “assab”, which is identical to the Complainant's "ASSAB" trademark. This striking resemblance will no doubt mislead consumers into believing that the website is operated by or associated with the Complainant. There is no doubt that the Disputed Domain Name 1 <assab100.cn> and Disputed Domain Name 2 <assab102.cn> completely incorporates the Complainant’s “ASSAB” trademark which is the distinctive part of the Disputed Domain Names, and such incorporation makes the Disputed Domain Name confusingly similar with the Complainant’s trademark.

In addition, the disputed domain name 1 <assab100.cn> and disputed domain name 2 <assab102.cn> both resolve to websites operated under the name of a PRC company called 一胜百模具（东莞）有限公司 (Yi Sheng Bai Mould (Dongguan) Co., Ltd.). The Complainant has a Dongguan subsidiary with the exact same name, 一胜百模具（东莞）有限公司 (ASSAB Tooling (Dongguan) Co., Ltd.) and therefore consumers may be led to believe that it is an entity or subsidiary affiliated with the Complainant.

In addition, the home page of www.assab100.cn website contains a photograph which is obviously copied from the Complainant's www.assab-china.com homepage. The www.assab102.cn website also contains a photograph of the Complainant's 一胜百模具（东莞）有限公司 / ASSAB Tooling (Dongguan) Co., Ltd. building and the Complainant's booth at an exhibition, which show the Complainant's "ASSAB" and "ASSAB Logo" marks (Reg. No. 923529). The above renders the Disputed Domain Names confusingly similar with the Complainant’s trademark.

In conclusion, the Panel finds that the Complainant has satisfied the Paragraph 4(a)(i).

**Rights or Legitimate Interests of the Respondent**

Based on documentary evidence tendered in the Complaint, the Panel finds that the Complainant has made out a prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name.
If the Respondent fails to rebut this prima facie case established against the Respondent, the Complainant is deemed to have satisfied the second condition of Article 8 of CNDRP.

The Respondent, 罗定市一胜百模具有限公司, registered <assab100.cn>, (“Disputed Domain Name 1”) on 16 November 2017 and <assab102.cn> (“Disputed Domain Name 2”) on 22 January 2018, long after the application and registration dates of the Complainant's "ASSAB Series Marks". The ASSAB trademarks have furthermore acquired significant recognition worldwide after years of extensive use.

The Panel finds that it is established in the Complainant that (a) the Respondent has no relationship with the Complainant's business and has not been authorized or licensed to use any of the Complainant’s trade name “Assab”; and (b) the Respondent is not known by the Disputed Domain Name. Since the mark ASSAB is not a commonly used English term and there is no evidence showing that the Respondent has been commonly known by the Disputed Domain Name, this is a clear indication of the Respondent’s deliberate attempt to take advantage of the “ASSAB” mark for commercial gain.

In the circumstances, the Panel finds that the Respondent has no right or legitimate interest in respect of the Disputed Domain Name; and accordingly, the second condition of Article 8 of CNDRP is met by the Complainant.

**Bad Faith**

Article 9 of CNDRP provides that any of the following circumstances may serve as evidence of the registration and use of a domain name in bad faith:

(a) The purpose for registering or acquiring the domain name is to sell, rent or otherwise transfer the domain name registration to the complainant who is the owner of the name or mark or to a competitor of that complainant, and to obtain unjustified benefits;

(b) The disputed domain name holder, on many occasions, registers domain names in order to prevent owners of the names or marks from reflecting the names or the marks in corresponding domain names;

(c) The disputed domain name holder has registered or acquired the domain name for the purpose of damaging the Complainant’s reputation, disrupting the Complainant’s normal business or creating confusion with the Complainant’s name or mark so as to mislead the public; and

(d) Other circumstances which may prove the bad faith.

As mentioned above, the Complainant obtained its registration for the "ASSAB" trademark in Class 6 (Reg. No. 19570513) in Hong Kong in as early as 1957. Subsequently, the Complainant obtained registrations for its "ASSAB Marks" in various jurisdictions around the world. The Complainant's "ASSAB Marks" have become widely known among consumers and relevant public as a result of its long-term promotion and use. The Respondent must have had prior knowledge of the Complainant's "ASSAB Marks" before
the registration of the disputed domain names on 16 November 2017 (Disputed Domain Name 1) and 22 January 2018 (Disputed Domain Name 2), long after the application and registration dates of the Complainant's "ASSAB Series Marks". In addition, Complainant has furnished evidence showing a pattern of abusive registrations on the part of the Respondent registering additional infringing domain names targeting the Complainant's "ASSAB" trademark.

The Disputed Domain names resolve to websites that are strikingly similar to Complainant's websites "www.assab.com" and "www.assabchina.com". The design and layout are quite similar to Complainant's websites, indicating a clear bad faith attempt to mimic the look and feel of the Complainant's websites and deceive consumers. The disputed domain name 1 <assab100.cn> and disputed domain name 2 <assab102.cn> both resolve to websites operated under the name of a PRC company called 一胜百模具（东莞）有限公司 (Yi Sheng Bai Mould (Dongguan) Co., Ltd.). The Complainant has a Dongguan subsidiary with the exact same name, 一胜百模具（东莞）有限公司 (ASSAB Tooling (Dongguan) Co., Ltd.) and therefore consumers may be led to believe that it is an entity or subsidiary affiliated with the Complainant.

By the reasons aforesaid, the Panel finds that the circumstances as particularized in Article 9 (c) of CNDRP exist in the present case; and therefore the Panel finds that the Respondent has registered or has been using the Disputed Domain Names in bad faith; and accordingly, the third condition of Article 8 of CNDRP is met by the Complainant.

5. Decision

For all the foregoing reasons, in accordance with Article 14 of CNDRP, the Panel orders that the Disputed Domain Names <assab100.cn> and <assab102.cn> be transferred to the Complainant.

Dr. Shahla F. Ali (夏兰)
Panellist

Date: 29 July 2020