



Asian Domain Name Dispute Resolution Centre

beijing

ADMINISTRATIVE PANEL DECISION

Case No. CN- 2301545

Complainant 1: TP-LINK CORPORATION LIMITED

Complainant 2: 普联技术有限公司

Respondent: Van Frog

Domain Name: tp-linkasic.com

Registrar: NAMECHEAP INC

1. Procedural History

On March 31, 2023, the Complainants submitted a Complaint in English to the Beijing Office of the Asian Domain Name Dispute Resolution Center (the ADNDRC Beijing Office) and elected this case to be dealt with by a one-person panel, in accordance with the Uniform Domain Name Dispute Resolution Policy (the Policy) and the Rules for Uniform Domain Name Dispute Resolution Policy (the Rules) approved by the Internet Corporation for Assigned Names and Numbers (ICANN), and the ADNDRC Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the ADNDRC Supplemental Rules) approved by the ADNDRC.

On April 3, 2023, the ADNDRC Beijing Office sent to the Complainants by email an acknowledgement of the receipt of the Complaint and transmitted by email to ICANN and the Registrar, NAMECHEAP INC, a request for registrar verification in connection with the disputed domain name.

On April 3, 2023, the Registrar transmitted by email to the ADNDRC Beijing Office its verification response, confirming that the Respondent is listed as the registrant and providing the contact details. On the same day, the ADNDRC Beijing Office requested the Complainants to revise its submission. On April 4, 2023, the Complainants submitted a revised Complaint to the ADNDRC Beijing Office.

On April 6, 2023, the ADNDRC notified the Complainants that the Complaint has been confirmed and transmitted to the Respondent and the case officially commenced. On the same day, the ADNDRC Beijing Office transmitted the Written Notice of the Complaint to the Respondent, which informed that the Complainants had filed a

Complaint against the disputed domain name and the ADNDRC Beijing Office had sent the complaint and its attachments through email according to the Rules and the Supplemental Rules. On the same day, the ADNDRC Beijing Office notified ICANN and registrar, NAMECHEAP INC, of the commencement of the proceedings.

The Respondent failed to submit a Response within the specified time period. The ADNDRC Beijing Office notified the Respondent's default. Since the Respondent did not mention the Panel selection in accordance with the time specified in the Rules, the ADNDRC Supplemental Rules, and the Notification, the ADNDRC Beijing Office informed the Complainants and the Respondent that the ADNDRC Beijing Office would appoint a one-person panel to proceed to render the decision.

Having received a Declaration of Impartiality and Independence and a Statement of Acceptance from Prof. Kun FAN, the ADNDRC Beijing Office notified the parties on April 28, 2023, that the Panel in this case had been selected, with Prof. Kun FAN acting as the sole panelist. The Panel determines that the appointment was made in accordance with Paragraph 6 of the Rules and Articles 8 and 9 of the Supplemental Rules.

On April 28, 2023, the Panel received the file from the ADNDRC Beijing Office and should render the Decision within 14 days, i.e., on or before May 12, 2023.

Pursuant to Paragraph 11 (a) of the Rules, unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding. The language of the current disputed domain name Registration Agreement is English, thus the Panel determines English as the language of the proceedings.

2. Factual Background

A. The Complainant

The Complainant 1 in this case is TP-LINK CORPORATION LIMITED and the Complainant 2 is 普联技术有限公司. The registered address of both Complaints is 1ROOM 901, 9/F, NEW EAST OCEAN CENTRE, 9 SCIENCE MUSEUM ROAD, TSIM SHA TSUI, KOWLOON, HONG KONG. The authorized representative of both Complainants is Liu, Shen & Associates.

B. The Respondent

The Respondent in this case is Van Frog. The registered address is Van frog, Cavendish, London, United Kingdom.




The Respondent is the current registrant of the disputed domain name <tp-linkasic.com>, which was registered on February 26, 2023, according to the WHOIS information. The registrar of the disputed domain name is NAMECHEAP, INC.






3. Parties' Contentions


A. The Complainants

(1) The Complainants contend that the disputed domain name is very similar to trademarks owned by the Complainants which is likely to cause confusion

The Complainants assert that the Complainants have registered TP-LINK trademarks in several jurisdictions prior to the registration of the disputed domain name.

Countries	Trademark	Reg No.	Reg. Date	Registration goods	Registrant
United States of America	 tp-link	514344 4	14/02/2017	Network routers ; Television apparatus, namely, televisions and remote controls for televisions; Electrical adapters; Transmitters of electronic signals; Electric sensors; Downloadable computer programs for controlling above devices, namely, televisions,network routers. etc	TP-LINK CORPORATION LIMITED
European Union	 tp-link	015350 408	24/08/2016	Network routers ; Electrical adapters; Transponders; Aerials; Computer peripheral devices; Optical communication equipment; Intercommunication apparatus; Diaphragms [acoustics]; Transmitters of electronic signals; Sensors and detectors; Remote control apparatus; Downloadable computer programs for controlling above devices. etc	
Japan	 tp-link	589951 2	25/11/2016	a router , transmitters of electronic signals, sensor (measuring equipment) [not for medical purposes], Alarms, remote control apparatus, downloadable computer programs, telecommunication machines and apparatus, electronic machines [apparatus and their parts], power distribution or control machines and apparatus, rotary converters, phase modifiers, measuring or testing machines and instruments, electric wires and cables, batteries and cells. etc	

Korea		40-1225793	05/01/2017	Network routers ; Electrical adapters; Transponders; Aerials; Computer peripheral devices; Optical communication equipment; Intercommunication apparatus; Diaphragms [acoustics]; Transmitters of electronic signals; Sensors and detectors; Remote control apparatus; Downloadable computer programs for controlling above devices, etc	普联技术有限公司
China Hongkong		303745279	15/04/2016	Routers ; Electrical adapters; Network Switch; Network switch modules; Network card; Transponders; Computer peripheral devices; Portable media players; Diaphragms [acoustics]; Transmitters of electronic signals; Sensor; Alarms; Remote control apparatus; Downloadable computer programs for controlling above devices.	
China		1747624	14/04/2002	Video telephones; router ; Internal communication device; Transmitters of electronic signals; Optical communication equipment; Modems; Access server; Network hub; network switch	
China		5156658	28/03/2009	network adapter; network switch ; Fiber optic repeater; Smart cards [integrated circuit cards] ; Computer peripheral devices; Data processing apparatus; Network cards; Modems; router ; Transmitters of electronic signals; Optical communication equipment; Internal communication device; Aerials ; Antennas; Network communication equipment	
China		9290312	07/11/2012	Smart cards [integrated circuit cards] ; Couplers [data processing equipment]; Computer memory; Data processing apparatus; Computer peripheral devices; wireless network adapter; Network cards; Adapter; Fiber optic repeater; Cell phones; Mobile telephones; Cellular phones; Wireless access device; Internal communication device; Optical communication equipment; Transmitters of electronic signals; Network	

				communication equipment; Aerials ; Antennas; network switch ; Telephone apparatus; Switch Module ; Switchboards; router ; Modems; Printed circuits; Fluorescent screens
China		194082 51	14/01/201 8	Computer program (downloadable software); Computer peripheral devices; Smart cards [integrated circuit cards] ;Pedometers; router ; Cell phones; Mobile telephones; Cellular phones; Internal communication device; Optical communication equipment; Aerials ; Antennas; Telephone apparatus; Transponders; Switchboards; Modems; Transmitters of electronic signals; Diaphragms [acoustics]; Portable media players; Camcorders; Television apparatus; Image intensifiers; Loudspeakers; Cameras [photography]; Cables, electric; Electrical adapters; Fluorescent screens; Plugs, sockets and other contacts (electrical connections); Switches, electric; Remote controller for household use; Transducer; Electric door bells; Alarms * ;Batteries, electric; Battery chargers; Chargers for electric batteries

The Complainants note that the disputed domain name <tp-linkasic.com> consists of “tp-link” and “asic”, and that “ASIC” stands for “Application Specific Integrated Circuit”, which refers to integrated circuits designed and manufactured to meet the requirements of specific users and specific electronic systems. The Complainants provide a copy of a technical dictionary to support this argument. The Complainants add that “ASIC” is widely used in the routers and other electronic products. As a result, the acronym “ASIC” does not possess distinctiveness when used in relation with integrated circuits. Subsequently, the Complainants conclude that the main distinctive part of the disputed domain name is “tp-link”, which is identical to Complainants’ prior trademarks.

The Complainants refer to the webpage of the disputed domain name, which prominently display the following trademarks of the Complainants:

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- TP-LINK.

In addition, the Complaints argue that the trademark “TP-LINK” has acquired a strong international reputation. To this end, the Complainants provide several pieces of evidence which show the reputation of the Complainants’ “TP-LINK” products. The Complainants infer that the similarity between the prior registered marks and the disputed domain name, and the actual promotion and use of the disputed domain name, will confuse the relevant public when seeing the disputed domain name. If the domain name is allowed to continue as a valid domain name, it will inevitably disrupt the market, cause confusion to the relevant public and damage the Complainants’ trademark rights.

(ii) The Respondent has no rights or legitimate interests in the disputed domain name

The Complainants assert that they have searched the trademarks “tp-linkasic.com” and “tp-linkasic” in all classes in the database of the China National Intellectual Property Administration and the United States Patent and Trademark Office. As a result, the Complainants conclude that the Respondent does not have any rights or legitimate interests in the domain name.

(iii) The disputed domain name has been registered in bad faith and is being used in bad faith

To demonstrate the Respondent’s bad faith, the Complainants assert:

First, on the website, not only “TP-LINK”, but also the “logo” of the Complainants have been copied and are used prominently.

Second, there are introduction “Founded in 1996, TP-Link is a global provider of reliable networking devices and accessories, involved in all aspects of everyday life. With a proven heritage of stability, performance, and value, TP-Link has curated a portfolio of products that meet the networking needs of all individuals.” on the website of the disputed domain name, which copied the contents of the Complainant 1’ official website and clearly intended to confuse the customer with bad faith.

Last, by clicking “Press Release” on the website of the disputed domain name, it goes into another website “zoominfo.com”, wherein lots of information of the complainants are showed, even including email addresses containing “tp-link.com” which is very misleading.

The Complainants conclude that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to their website since the use of the disputed domain name will lead confusion with the Complainants’ trademarks as to the source of origin.

The Complainants request that the disputed domain name should be transferred to the Complainant 1.

B. The Respondent

The Respondent failed to submit a Response within the specified time period.

4. Discussions and Findings

Paragraph 4(a) of the Policy provides that in order to be entitled to a transfer of the disputed domain name, the Complainant shall prove the following three elements:


- (i) The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) The registrant has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) The disputed domain name has been registered and is being used in bad faith.





Paragraph 4(b) of the Policy states that the following circumstances in particular, but without limitation, shall be evidence of registration and use of a domain name in bad faith:

- (i) Circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of documented out-of-pocket costs directly related to the domain name; or
- (ii) The respondent registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
- (iii) The respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) By using the domain name, the respondent has intentionally attempted to attract, for commercial gain, internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location.

a. Identity or Confusing Similarity

The Complainants provided evidence that the Complainants have registered TP-LINK trademarks in multiple jurisdictions prior to the registration of the disputed domain name.

Countries	Trademark	Reg No.	Reg. Date	Registration goods	Registrant
United States of America		5143444	14/02/2017	Network routers; Television apparatus, namely, televisions and remote controls for televisions; Electrical adapters;	TP-LINK CORPORATI

				Transmitters of electronic signals; Electric sensors; Downloadable computer programs for controlling above devices, namely, televisions,network routers. etc	ON LIMITE D
European Union		015350408	24/08/2016	Network routers; Electrical adapters; Transponders; Aerials; Computer peripheral devices; Optical communication equipment; Intercommunication apparatus; Diaphragms [acoustics]; Transmitters of electronic signals; Sensors and detectors; Remote control apparatus; Downloadable computer programs for controlling above devices. etc	
Japan		5899512	25/11/2016	a router, transmitters of electronic signals, sensor (measuring equipment) [not for medical purposes], Alarms, remote control apparatus, downloadable computer programs, telecommunication machines and apparatus, electronic machines [apparatus and their parts], power distribution or control machines and apparatus, rotary converters, phase modifiers, measuring or testing machines and instruments, electric wires and cables, batteries and cells. etc	
Korea		40-1225793	05/01/2017	Network routers; Electrical adapters; Transponders; Aerials; Computer peripheral devices; Optical communication equipment; Intercommunication apparatus; Diaphragms [acoustics]; Transmitters of electronic signals; Sensors and detectors; Remote control apparatus; Downloadable computer programs for controlling above devices, etc	
China Hongkong		303745279	15/04/2016	Routers; Electrical adapters; Network Switch; Network switch modules; Network card; Transponders; Computer peripheral devices; Portable media players; Diaphragms [acoustics]; Transmitters of electronic signals; Sensor; Alarms; Remote control apparatus; Downloadable	

				computer programs for controlling above devices.	
China		1747624	14/04/2002	Video telephones; router ; Internal communication device; Transmitters of electronic signals; Optical communication equipment; Modems; Access server; Network hub; network switch	普联技术有限公司
China		5156658	28/03/2009	network adapter; network switch ; Fiber optic repeater; Smart cards [integrated circuit cards] ; Computer peripheral devices; Data processing apparatus; Network cards; Modems; router ; Transmitters of electronic signals; Optical communication equipment; Internal communication device; Aerials ; Antennas; Network communication equipment	
China		9290312	07/11/2012	Smart cards [integrated circuit cards] ; Couplers [data processing equipment]; Computer memory; Data processing apparatus; Computer peripheral devices; wireless network adapter; Network cards; Adapter; Fiber optic repeater; Cell phones; Mobile telephones; Cellular phones; Wireless access device; Internal communication device; Optical communication equipment; Transmitters of electronic signals; Network communication equipment; Aerials ; Antennas; network switch ; Telephone apparatus; Switch Module ; Switchboards; router ; Modems; Printed circuits; Fluorescent screens	
China		19408251	14/01/2018	Computer program (downloadable software); Computer peripheral devices; Smart cards [integrated circuit cards] ; Pedometers; router ; Cell phones; Mobile telephones; Cellular phones; Internal communication device; Optical communication equipment; Aerials ; Antennas; Telephone apparatus; Transponders; Switchboards; Modems; Transmitters of electronic signals; Diaphragms [acoustics]; Portable media players; Camcorders; Television	

				apparatus; Image intensifiers; Loudspeakers; Cameras [photography]; Cables, electric; Electrical adapters; Fluorescent screens; Plugs, sockets and other contacts (electrical connections); Switches, electric; Remote controller for household use; Transducer; Electric door bells; Alarms * ;Batteries, electric; Battery chargers; Chargers for electric batteries	
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The Respondent has not provided contrary evidence. The Panel is satisfied that the Complainants’ trademark “TP-LINK” is protected prior to the registration of disputed domain name on February 26, 2023.

The distinctive part of the disputed domain name <tp-linkasic.com> is “tp-linkasic”, which fully incorporates the Complainants’ trademark “TP-LINK”. As for the element “ASIC”, the Panel accepts the Complainants’ argument that it is an essential and common term in the integrated circuit industry and therefore does not confer a second meaning to the disputed domain name. The panel adds that on the contrary, the addition of the acronym “ASIC” reinforces the risk of confusion for Internet users.

Therefore, the Panel considers the disputed domain name to be similar to the Complainants’ trademark.

b. Rights or Legitimate Interests of the Respondent

Where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.

To demonstrate rights or legitimate interests in a domain name, non-exclusive respondent defenses under paragraph 4(c) of the Policy include the following:

- (i) before any notice of the dispute, the respondent’s use of, or demonstrable preparations to use, the domain name or a name corresponding to the 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 domain name, even if the respondent has acquired no trademark or service mark rights; or
- (iii) the respondent is making a legitimate non-commercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Complainants assert that they have searched for the trademarks “TP-LINKASIC.COM” and “TP-LINKASIC” in all classes in the database of the China National Intellectual Property Administration and the United States Patent and Trademark Office, and conclude that the Respondent does not have any rights or legitimate interests in the domain name.

The Panel notes that since 1) the WHOIS record of the disputed domain name indicates a postal address in the United Kingdom and 2) the Internet site to which the disputed domain name gives access contains the contact details of a company presented as being registered in the State of California, United States, it would have been relevant to conduct searches in the trademark database of the United Kingdom Intellectual Property Office and in the database of companies registered in the State of California in the United States.

According to Article 10(d), “the Panel shall determine the admissibility, relevance, materiality and weight of the evidence”. Therefore, in view of the elements provided by the Complainants, to which the Respondent was duly invited to respond, the Panel considers that the Complainant has made out a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name, and the burden is shifted on the Respondent to demonstrate its rights or legitimate interests in the disputed domain name under paragraph 4(c) of the Policy.

The Respondent has not provided any evidence to prove its rights or legitimate interests in the disputed domain name. The Panel also could not find any rights or legitimate interests under paragraph 4(c) of the Policy.

Accordingly, the second condition of Article 4(a) of the Policy is satisfied.

c. Bad Faith

Under the third condition of the Policy, the Complainant must establish that the disputed domain name has been both registered and is being used in bad faith by the Respondents.

To demonstrate the Respondent's bad faith, the Complainants assert:

First, on the website, not only “TP-LINK”, but also the “logo” of the complainants have been copied and are used prominently.

Second, there are introduction “Founded in 1996, TP-Link is a global provider of reliable networking devices and accessories, involved in all aspects of everyday life. With a proven heritage of stability, performance, and value, TP-Link has curated a portfolio of products that meet the networking needs of all individuals.” on the website of the disputed domain name, which copied the contents of the Complainant 1’s official website and clearly intended to confuse the customer with bad faith.

Last, by clicking “Press Release” on the website of the disputed domain name, it goes into another website “zoominfo.com”, wherein lots of information of the complainants are showed, even including email addresses containing “tp-link.com” which is very misleading.

The Complainants conclude that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to their website since the use of the disputed Domain Name will lead confusion with the Complainants’ trademarks as to the source of origin.

(1) The Respondent registered the disputed domain name in bad faith

According to Article 4(a) of the Policy, the Complainants must prove that the disputed Domain Name has been registered and is being used in bad faith.

In this case, the bad faith section of the Complaints makes no reference to bad faith registration. However, the Complainants clearly indicated, in the first part of the Complaint relating to the similarity of the trademark and the disputed domain name, that the Respondent had registered the disputed domain name on February 26, 2023, i.e. after the many trademarks of the Complainants were registered in multiple jurisdictions, which should be considered reputable in the integrated circuit industry.

Based on the evidence provided, the Panel notes the following facts: First, the Respondent has chosen a domain name that incorporates the Complainants’ trademark. Second, the Respondent reproduces the “TP-LINK” trademark on the webpage to which the disputed domain name resolves. Third, the Respondent reproduces the Complainants’ logo and uses it as such on the page to which the disputed domain name resolves. Based on the above, the Panel is of the view that the Respondent knew or could not have been unaware of the Complainants’ trademark when registering the disputed domain name.

In light of the above, the Panel finds that the disputed domain name was registered in bad faith.

(2) The Respondent is using the disputed Domain Name in bad faith

The Complainants have produced evidence to demonstrate to the satisfaction of the Panel that the Respondent:

- has incorporated the “TP-LINK” brand into the disputed domain name;
- uses the logo of the Complainants as such on the disputed site;
- uses the logo of the Complainants on the products sold via said website;
- added text referring to Complainants, unequivocally:

“Founded in 1996, TP-Link is a global provider of reliable networking devices and accessories, involved in all aspects of everyday life. With a proven heritage of stability,

performance, and value, TP-Link has curated a portfolio of products that meet the networking needs of all individuals”.

- added a link entitled “Press Release” leading the Internet user to a page of the site “zoominfo.com” dedicated to the brand “TP-LINK”.

In view of these elements, the Panel is of the view that the Respondent is using the disputed domain name to impersonate the owner of the “TP-LINK” trademark or to appear as a licensed agent for the use of the trademark “TP-LINK”. Therefore, the Panel finds that the Respondent is using the disputed domain name in bad faith so as to take advantage of the Complainants’ brand reputation.

In conclusion, the Panel finds that the Respondent registered and uses the disputed domain name in bad faith.

Accordingly, the third condition of Article 4(a) of the Policy is satisfied.

5. Decision

For all the foregoing reasons, all three conditions under paragraph 4(a) of the Policy are satisfied. Therefore, the Panel orders the transfer of the disputed domain name <tp-linkasic.com> to Complainant 1, TP-LINK CORPORATION LIMITED.

Kun Fan

Kun Fan

Dated: 12 May 2023