# ASIAN DOMAIN NAME DISPUTE RESOLUTION CENTER (Beijing Office)

## Administrative Panel Decision Case No. CN-1100467

Complainant: LE SHI INTERNET INFORMATION & TECHNOLOGY CORP.,

**BEIJING** 

**Respondent: long he** 

**Domain Name: leshitv.com** 

Registrar: GODADDY.COM, INC.

#### 1. Procedural History

On July 14,2011,the Complainant submitted a Complaint in English to the Beijing Office of the Asian Domain Name Dispute Resolution Center (the "ADNDRC Beijing Office"), in accordance with the Uniform Domain Name Dispute Resolution Policy (the "Policy") adopted by the Internet Corporation for Assigned Names and Numbers ("ICANN"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules") approved by ICANN, and Asian Domain Name Dispute Resolution Center Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "ADNDRC Supplemental Rules").

On July 14, 2011, the ADNDRC Beijing Office confirmed the receipt of the Complaint. On July 14, 2011, the ADNDRC Beijing Office transmitted by email to ICANN and GODADDY.COM, INC. (the Registrar of the domain name) a request for verification of registrants information in connection with the domain name in dispute. On July 16, 2011, GODADDY.COM, INC. transmitted by email to the ADNDRC Beijing Office its verification response confirming that, the domain name in dispute was registered under its domain registrar and the Respondent is listed as the registrant.

The ADNDRC Beijing Office sent by email the Transmittal of Claims attached by the Complaint to the Respondent on July 21, 2011.

On July 26, 2011, the ADNDRC Beijing Office notified the Complainant that the Complaint had been confirmed and forwarded and the proceedings commenced on July 26, 2011. On the same day, the Notifications of Commencement of Proceedings were notified to the Respondent, ICANN and the Registrar.

On August 16, 2011, having received no response from the Respondent, the ADNDRC Beijing Office notified the Complainant that the hearing will take place by default.

On August 16, 2011, the ADNDRC Beijing Office notified the Proposed Panelist Mr. CHI Shaojie to see whether he is available to act as the Panelist in this case and if so, whether he is in a position to act independently and impartially between the parties. Having received a Declaration of Impartiality and Independence and a Statement of Acceptance from Mr. CHI Shaojie, on August 16, 2011, the ADNDRC Beijing Office informed the Complainant and the Respondent of the appointment of the Panelist and the constitution of the Panel, transferred the case file to the Panel, and asked the Panel to submit a decision on or before August 30, 2011.

The language of the proceedings is English, as being the language of the Domain Name Registration and Service Agreement, pursuant to Paragraph 11(a) of the Rules and there being no agreement by the disputing parties to the contrary.

#### 2. Factual Background

#### For the Complainant

The Complainant in this case is LE SHI INTERNET INFORMATION & TECHNOLOGY CORP., BEIJING, with its business address at The Sixth Floor, No. 6184, Building 19, No. 68 Xue Yuan Nan Road, Haidian

District, Beijing, China. The authorized representative in this case is BEIJING LVZHI INTELLECTUAL PROPERTY AGENT LTD.

#### For the Respondent

The Respondent in this case is long he. The registered address is yantian shatoujiao Shenzhen, Guangdong 51800, China. The Respondent is the current registrant of the disputed domain names "leshitv.com" according to the Whois information.

#### 3. Parties' Contentions

#### The Complainant

The Complainant alleges in its Complaint that:

The Complainant LE SHI **INTERNET INFORMATION** & TECHNOLOGY CORP., BEIJING is a Chinese legally established and existing company, which was founded on November 10, 2004 and listed in A-share market on August 2, 2010. Now the company has developed into the first leader of charge and free online video service provider in the China listed A-share market. From the establishment, the Complainant successively applied with the China Trademark Office the trademarks "乐 视" and "Letv" on the designated items of Classes 35, 38, 41 and 42 and now all these applications have been approved to registration. Based on this, the Complainant enjoys the rights of registered trademarks "乐视" and "Letv". As the Complainant listing in the China A-share market on August 2, 2010, the trademarks have become well-known with high reputation and great influence. The distinctive part of the disputed domain name registered by the Respondent is "leshitv", which is similar to the Complainant's registered trademarks"乐视" and "Letv" and would cause confusion to the public.

On June 3, 2005, the Complainant filed with the Chinese Trademark Office the applications of trademarks "乐视" and "Letv" and have been approved to registration. The registered trademarks of the Complainant are in particular but without limitation to the followings:

Trademark	Cl as s	Reg. No.	Reg. Date	Designated Goods/Service	Process
乐视	35	4698876	Feb. 7, 2009	Advertising matter (Dissemination of –); Advertising; advertisement plan; Business information; Business management and organization consultancy; Import-export agencies; Systemization of information into computer databases; Online advertising on a computer network and so on	Changed / Assigned
乐视	38	4698875	Jan. 21, 2009	Television broadcasting; Cable television broadcasting; Teleconferencing services; Computer aided transmission of messages and images; Electronic bulletin board services [telecommunications services]; Rental of message sending apparatus; Communications by fiber [fibre] optic networks; Message sending; Telecommunication (Information about—); Providing telecommunications connections to a global computer network	Changed / Assigned
乐视	41	4698874	Jan. 21, 2009	Entertainment information; Club services [entertainment or education]; Bookmobile services; Publication of electronic books and journals on-line; publish video tape; Sound recordings (Rental of – ); Shows (Production of –); Amusements , ( Game	Changed / Assigned

				services provided on-line [from a computer network]; Health club services	
乐视	42	4698873	Jan. 21, 2009	Copyright management; Technical research; Meteorological information; Industrial design; Design of interior décor; Dress designing; Computer software design; Conversion of data or documents from physical to electronic media; Hosting computer sites [web sites]; Authenticating works of art	Changed / Assigned
Letv	35	4698872	Feb. 21, 2009	Advertising matter (Dissemination of –); Advertising; advertisement plan; Business information; Business management and organization consultancy; Import-export agencies; Online advertising on a computer network and so on	Changed / Assigned
Letv	38	4698891	Sep. 14, 2009	Television broadcasting; Cable television broadcasting; Teleconferencing services; Computer aided transmission of messages and images; Electronic bulletin board services [telecommunications services]; Rental of message sending apparatus; Communications by fiber [fibre] optic networks; Message sending; Telecommunication (Information about—); Providing telecommunications connections to a global computer network	Changed / Assigned

Letv	41	4698890	Sep. 21, 2009	Entertainment information; Club services [entertainment or education]; Bookmobile services; Publication of electronic books and journals on-line; publish video tape; Sound recordings (Rental of – ); Shows (Production of –); Amusements , ( Game services provided on-line [from a computer network]; Health club services	Changed / Assigned
Letv	42	4698889	Jan. 21, 2009	Copyright management; Technical research; Meteorological information; Industrial design; Design of interior décor; Dress designing; Computer software design; Conversion of data or documents from physical to electronic media; Hosting computer sites [web sites]; Authenticating works of art	Changed / Assigned

The Complainant meets all the three substantive requirements for claiming the entitlements to the disputed domain name due to the subsequent reasons:

(1) The disputed domain name is confusingly similar to the registered trademarks of the Complainant

For the disputed domain name "leshitv.com", except the non-distinctive gTLDs ".com", its main recognized part is "leshitv". Capital letters or small letters make no difference for the registration and usage of a domain name. The "tv" in the disputed domain name is usually considered as the abbreviation of "television" and has no substantive meaning. Based on this, as a matter of fact, the most distinctive part of the disputed domain name is "leshi". The most distinctive part of the disputed domain name "leshi" is identical with the pronunciation of the

Complainant'S registered mark "乐视". The Complainant'S "乐视" with distinctive characteristics has gained high reputation through continuous usage. Moreover, the disputed domain name links into a website which also operates the same video industry as the Complainant. Taking the above mentioned matters into account, though the word "leshi" does not solely correspond with the Chinese words "乐视",it could be speculated that the Respondent has applied the disputed domain name in bad faith and intents to cause confusion to the internet users.

The most distinctive part of the disputed domain name is "leshi", which would deliver the following incorrect information to the pubic:

The registrant and user of the disputed domain name is the owner of the registered trademark "乐视" which operates the online video industry in China; The disputed domain name is registered and used under the permission of the owner of the registered mark "乐视" or they have some relationship in business with each other. Therefore, the Complainant considers the disputed domain name is so similar to the registered mark of the Complainant that it could cause confusion to the internet users.

(2) The Respondent has no right or legitimate interests in respect of the disputed domain name.

The Complainant has no business relationship with the Respondent and does not authorize the Respondent to use the mark "乐视"or to apply any domain name identical or similar to the mark "乐视". The Respondent has no right or legitimate interests in respect of the disputed domain name.

(3) The Respondent has registered the disputed domain name and has been using it in bad faith.

The Complainant is the first film and TV online video website and the excellent online TV service provider in China. It listed on the China Ashare market on August 12, 2010 and has become the fist listed online video website. Therefore, the Complainant and its registered mark "乐视" has gained high reputation and have great influence, especially in the online video industry. The Complainant was founded in November 2004

and enjoys the state-level high-tech enterprise qualification. On August 12, 2010, it listed in China's Growth Enterprises Market board. The name of its stock is "乐视网" which is the fist IPO listed company in the industry around the world and the sole A-share listed company in China.

The Complainant has consecutively three-years got the following awards and honors: "China Top 50 High-tech High-development", "Asia-Pacific Top 500", "2008 Fastest Growing Video Websites" on Internet Week, "China Top 50 2009 Most Investment Potential Companies", "Focus 10 by Media on Online Video and Digital Entertainment Annual Congress" on Chinese Internet Conference, "China Top 50 Most Investment Potential Company on 2009 Venture Capital Value List" selected by Vertical and Horizontal Force, Daily Finance News, CCTV Security Information Channel, Reuters, EZCapital, Sina Finance, "China 2009 Internet Outstanding Projects" by Computer World Media Group and so on.

The Complainant is the first video website to purchase copyrights of films and TV programs. There are more than 50, 000 sections of TV programs and over 4,000 films and it has got the sole online copyrights about 70% of the popular films and TV programs. In addition to purchasing the copyrights of films and TV programs, the Complainant has also invested in advertising, such as on the bus, in the building, at the station, on newspaper or journals and so on.

On July 8, 2011, the Complainant conducted searches in Social Science Information Room of the National Library and found large amount of media reports concerning the high reputation and great influence of "乐视 网" in its industry during the period of November 2004 to May 2010 by "Beijing Times", "Beijing Daily", "China Securities News", "Legal Evening News", "Oriental Morning Post", "Morning News" and so on. Searching the keywords "乐视网" through "Baidu", the Complainant found there were about 12,200,000 records; Searching it through "GOOGLE", there were about 7,700,000 records. In summary, the Complainant and its mark "乐视" enjoy a high reputation and have great

influence in China. Far before the application date of the disputed domain name, the Complainant had carried out various commercial activities with the mark "乐视" in China and had gained high reputation and great influence in the Chinese video industry among ordinary consumers.

Since the Respondent's website is the same type of video website as the Complainant's relevant website and the Respondent's website highlights the mark "乐视" on the prominent position of the web page and uses the keywords"乐视电影网..." on the search column of its website, it misleads the public that the disputed website is owned by the Complainant or it has some relationship with the Complainant, which results the public mistakenly link into the disputed website or order its service. Therefore, the registration and usage of the disputed domain name has seriously disrupted the business of the Complainant and possibly destroyed the reputation of the Complainant.

When searching www.leshitv.com through "Baidu", the Complainant has found the revealed words are "乐视电影网:娱乐不同,乐在其中" which is identical with the key part of "乐视网" search result through "Baidu". In this case, the activity of the Respondent will easily cause confusion to the internet users and therefore it destroys the business of the Complainant. When linking into the disputed domain "www.leshitv.com", the Complainant has found, in addition to the "leshitv", the Respondent highlights the Complainant's mark "乐视" on the website. Obviously, the Respondent is intent to mislead the public and causes confusion so as to disrupt the business of the Complainant. By using the website "www.leshitv.com" for commercial gain, the Respondent has intentionally attempted to attract internet users to the disputed website or order its online service, creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship and so on.

The Complainant holds the opinion that the registration and usage of the disputed domain name would mislead the internet users the website is run by the Complainant or the Complainant has some business relationship

with the website's owner. This confusion will result in serious damage to the Complainant's interest. Moreover, the Complainant has found there are a lot of advertisements on www.leshitv.com, such as net. com, Sina Blog, Clinique and so on. It proves the Respondent's website has obtained commercial interest in advertisement. This interest is very likely based on the reputation and influence of the Complainant and its mark and is possibly gained by misleading the internet users to the Respondent's website. The Complainant has applied with the notarization office to notarize the linked website.

The Respondent has no industrial and commercial license to register the website and has no qualification to play videos online. Besides, the website is registered and used without ICP record and lacking of integrity. Based on the above, it is obvious the Respondent runs the website in bad faith. Pursuant to the regulations of Internet, running online information dissemination should obtain "Internet Audio & Visual License', "License for Internet Culture Business" and "License for Online Culture Business by Ministry of Culture". Moreover, as an honest website, it should do ICP record and commercial website record with the authority. However, the website of the Respondent, which runs online information dissemination and audio-visual programs, does not get the license from the authority and even blatantly provide fake ICP record information and leaves no contact information.

Searching through the record system of Ministry of Industry and Information Technology, the Complainant has got that the record number "渝 ICP 备 09088213" of the Respondent's website does not exist. It is very likely the fake record information. Therefore, these facts testify that the Respondent is well aware of its illegal activity and purposely leaves no contact information on the website, so as to evade the punishment of the law and gain commercial interest in bad faith.

In conclusion, the Respondent registers and uses the disputed domain name in bad faith, applying to the Uniform Policy for Domain Name Dispute Resolution, in particular but without limitation to the following conditions: (1) The Respondent registering the disputed domain name is primarily for the purpose of disrupting the business of a competitor, (2) By using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, internet users to the disputed website, by creating a likelihood of confusion with the Complainant's goods or service. Moreover, the Respondent has registered the disputed domain name in order to prevent the owner (the Complainant) of the trademark or service mark from reflecting the mark in a corresponding domain name. Based on the above, the Complainant's complaint should be supported.

Pursuant to the Uniform Policy for Domain Name Dispute Resolution and considering the above mentioned facts and reasons, the Complainant has chosen to solve the malicious domain name infringement in this way and kindly requests the expert panel to rule the disputed domain name to be transferred to the Complainant. Based upon the above fundamental reasons, the Complainant thinks that all the three conditions set forth under the relevant paragraph of the Policy for the request for transfer of the disputed domain name have been met.

#### For the Respondent

After being served of the claim and all the accompanying documents submitted by the Complainant, and of all the procedural documents by the ADNDRC Beijing Office, the Respondent makes no response by any means in the whole course of the proceeding.

#### 4. Findings

It is significant for the parties to understand the legal nature of the current proceeding which is totally different from that of arbitration or litigation. Though the proceeding is known as administrative proceeding, it is really NOT the proceeding by a government agency. The jurisdiction by the Panel over the current dispute on the domain name registered by the Respondent comes from the authorization by the organization for the administration of the domain name registration and maintenance. Anyone

intends to register a domain name needs to sign a registration agreement with the administrative authority which makes no substantive examination on the registration application, but stipulates in the registration agreement that whenever a claim against the registration is submitted, the registrant is obliged to be a procedural party which has rights to make arguments against the claim, but subject to an award made by a Panel constituted in conformity with the stipulated procedural rules. As it is, the current proceeding is a part of the whole proceeding for the registration of a domain name. As such, the fundamental feature of the Panel's making a judgment on the entitlement of the disputed domain name is to decide which party should be entitled to the domain name, so as to be in conformity with the basic requirements set forth under the Policy and to help to keep the good operative order for the running of the internet, and to be beneficiary to the protection of the common interests of the web-users.

The indispensable pre-condition for the Panel to find out the disputing facts is to base itself upon the allegations and defenses by the parties, which does not exist in the trial of the present dispute due to the lack of any defense by the Respondent. In view of this, what the Panel is going to do for the fact-finding is to base itself upon the submissions and exhibits by the Complainant alone. Unless the Panel has a reason to reject any submission or evidence of the Complainant's in view of the panelist's professional sense to make judgment and personal experiences, the facts are to be held by the adoption of the Complainant's submitted evidences.

One of the prerequisites for the Respondent to register the disputed domain name through the Registrar is to accept the Policy as the binding regulations for the registration. As mentioned, the Policy applies to this dispute as the substantive criteria for making the judgment of whether the Complainant's request is to be sustained or rejected. As stipulated in the Paragraph 4(a) of the Policy, when claiming back a domain name registered by the Respondent, the Complainant must prove each and all of the following:

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

Based itself upon the stipulations under the Policy, what the Panel needs to do is to find out whether each and all of the above-mentioned facts can be attested by the Complainant. If the answer is yes, the Panel makes an award in the Complainant's favor in accordance with the relevant stipulations under the Policy, the Rules and the ADNDRC Supplemental Rules. If not, the claim by the Complainant shall be rejected.

#### **Identity or Confusing Similarity**

Pursuant to Paragraph 4(a) (i) of the Policy, the Complainant must prove that the domain name at issue is identical or confusingly similar to a trademark or service mark in which it has rights. To meet the requirement, the Complainant submits trademark registration certificates to prove the fact that it is entitled to the trademarks "乐视" and "Letv" both being applied with and approved by the trademark authority earlier than the registration of the disputed domain name. Taking the relevant exhibits by the Complainant, the Panel holds that the Complainant is entitled to the trademarks which may be used to make comparison with the disputed domain name. The major identifying part of the disputed domain name is "leshitv" which obviously is NOT identical to the Complainant's registered trademarks "乐视" or "Letv". As it is, what the Panel needs to judge is whether "leshitv" is similar to "乐视" and "Letv", and if yes, whether or not the similarity may cause confusion to the web-users. Based upon the following reasoning, the Panel holds that the domain name in dispute is confusingly similar to the trademarks in which the Complainant has rights.

- (1) Phonetically speaking, the Chinese characters "乐视" are compatible with the Chinese phonetic spelling "leshi", But not vice versa sometimes; I.e. the phonetic spelling "leshi" may be compatible with Chinese characters other than "乐视", e.g. "勒市", "乐事", "乐室", etc. However, the Respondent does not claim the latter situation; and what is more, the Complainant's exhibit No. 11 shows that the disputed domain name is being used in a website, together with the Complainant's registered TM "乐视", meaning that when the Respondent registered and uses the disputed domain name, it intentionally meant, and still means, that the phonetic spelling used in the major identifying part of the domain name it registered was, and still is, compatible with the Chinese characters "乐视" which is identical to the Complainant's registered TM "乐视".
- (2)The major identifying part of the disputed domain name is "leshitv" while another registered TM of the Complainant's is "Letv". Neglecting the formal difference between the letters "L" and "l", the difference between the major identifying part "leshitv" and the TM "Letv" is the part "shi". As mentioned in the foregoing paragraph, the Respondent took, when registering the disputed domain name, phonetic spelling "shi" as the Chinese character "视", thus making "leshitv" compatible with "乐视 TV".
- (3) Literally speaking, the Chinese characters "乐视" may be interpreted as "Enjoyable Viewing". As pointed in paragraph (1), "leshi" is compatible with "乐视". As such, "leshitv" may be interpreted as "Enjoyable Viewing TV (乐视 TV)". Irrespective of Chinese or foreigners, and no matter he or she understands or does not understand Chinese or English, the meaning of the Latin letters "TV" is clear. That is to say, "乐视" and "leshitv" are NOT of distinctive difference. Furthermore, even talking about the gap between the two, it may easily make the web-users misunderstanding the relations between the owners of the two.
- (4) Taking comprehensive considerations of the above-mentioned three points, the Panel has full reason to believe that the major identifying part

of the disputed domain name is NOT independently created by the Respondent without knowing Complainant's registered trademark "乐观" or "Letv" and the Complainant's reputation values of these trademark. It is obvious that when the Respondent took "leshitv" as the major identifying part to register the current domain name, it meant to take advantage of the Complainant's trademark fame and its market position by causing confusion to the web-users who may think the Respondent might have certain business linkage to the Complainant.

In view of above reasoning, the Panel holds that the disputed domain name is confusingly similar to the Complainant's registered trademarks, thus the Complainant meets the first requirement set forth under Paragraph 4(a) (i) of the Policy.

#### **Rights or Legitimate Interests of the Respondent**

Pursuant to Paragraph 4(a)(ii), the second requirement for the Complainant to meet in terms of the request for the transfer of the disputed domain name is to prove that the Respondent does not have any right to or legitimate interest in the disputed domain name. Reading the expression of the stipulation, it seems to be the Complainant who shall take the burden of proof to establish the fact that the Respondent does NOT have rights or legitimate interests in the disputed domain name. Nevertheless, since the Complainant claims that it is entitled to the disputed domain names and the Respondent has nothing to do with the name except registered and used it in bad faith, it can hardly submit any evidence to prove something it does not think existing. Probably for this reason, the Panel pays more attention to whatever the Respondent claims with regard to the rights or legitimate interests in respect to the disputed domain name. The Policy gives the chance to the Respondent to make argument on this issue by stipulating several could-be circumstances in the Policy. Unfortunately, the Respondent makes no argument to say it does have certain rights or legitimate interests in the domain name at issue. Under such circumstances, the Panel could not hold that it is the Respondent who is entitled to the disputed domain name.

On the other side, the Complainant submitted abundant exhibits to certify that it innovated and created the distinctive Chinese characters "乐视" which phonetically spelt as "leshi", and has been using it as the trade name of the company ever since its founding; as well as the fact that it has been making great efforts with huge capital investment to enhance its reputation and market share under the trade name and registered TM "乐 视"; And it has become the top leading firm in the business field. Based upon comprehensive analyses of all the relevant evidences, the Panel has sufficient reason to ascertain that it is none other than the Complainant who has rights and legitimate interests in the disputed domain name; and further holds that the Complainant meets the second requirement set forth under Paragraph 4(a)(ii).

#### **Bad Faith**

The Complainant has yet to establish the fact of bad faith on the part of the Respondent as set forth in the Paragraph 4(a)(iii) of the Policy. Under the Paragraph 4(b) of the Policy, the following circumstances, in particular, shall be considered evidence of the registration and use of a domain name in bad faith: "...... (iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location." The Complainant submits that the Respondent uses the disputed domain names in a web site which bears the sign "乐视" with "LESHI", and the content of the web-site is highly similar to the business the Complainant engages and the similarity may apparently mislead the internet users to think the web-site has certain linkage to the Complainant.

Logically speaking, when a party registers a domain name which is NOT created by the party with its distinctive feature known in the real world, but confusingly similar to a mark or logo or sign to which the other party is entitled with certain market value, the intention of the registration is clear, namely taking illegal advantages by causing confusion to the

consumers. On the other hand, if the registrant is NOT intentionally to take advantage of other's, it should create a distinctive domain name to make web-users to easily tell it from others. Furthermore, if someone registered a domain name in bad faith, it is hard for him to make use of the registered subject matter in good faith; otherwise the ill-intention would not be realized. This fundamental logic further supports the holding of bad-faith fact in the foregoing paragraph. In view of this, the Panel cannot but holds that the Respondent registered and uses the disputed domain names in bad faith; and comes to the conclusion that the Complainant meets the requirement set forth under Paragraph 4(a)(iii) of the Policy.

Based upon all the above findings, the Panel rules that the Complaint fulfills each and all of the conditions provided in Paragraph 4(a)(i)(ii) (iii) of the Policy.

#### 5. Decision

In light of all the foregoing findings and in accordance with Paragraphs 4(a), 8(a) of the Policy and 5(e) of the Rules, the Panel holds:

- (a) That the disputed domain name "leshitv.com" is confusingly similar to the trademark "乐视" and "Letv" to which the Complainant has the entitlement, and
- (b) That the Respondent has no rights to or legitimate interests in the disputed domain names; and
- (c) That the domain name was registered and subsequently is used by the Respondent in bad faith.

As such the Panel rules that the disputed domain name "leshitv.com" should be transferred to the Complainant " LE SHI INTERNET INFORMATION & TECHNOLOGY CORP., BEIJING".

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### (此页无正文)

Sole Panelist:

Dated: August 23, 2011