



# Asian Domain Name Dispute Resolution Centre

hong kong

(Hong Kong Office)

## ADMINISTRATIVE PANEL DECISION

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<b>Case No.</b>	HK-2001340
<b>Complainants:</b>	Bitmaintech Pte. Ltd. & Bitmain Technologies Inc.
<b>Respondent:</b>	Domain Admin
<b>Disputed Domain Name(s):</b>	<bitmainantminer.com>

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### 1. The Parties and Contested Domain Name

The Complainants are Bitmaintech Pte. Ltd. & Bitmain Technologies Inc., of 26 Eng Hoon Street, Singapore (169776) & Building 25, AoBei Technology Garden, Baosheng South Road, Haidian District, Beijing, P.R. China 100192.

The Respondent is Domain Admin of 1927 Boblett Street, Blaine, WA, 98230, US.

The domain name at issue is <bitmainantminer.com>, registered by Respondent with TLDs, LLC dba SRSplus with a contact detail by way of an email: abuse@web.com; partners@srsplus.com.

### 2. Procedural History

On 15 April 2020, the Complainants filed a complaint with the Hong Kong Office of the Asian Domain Name Dispute Resolution Centre (“the Centre”) and chose to have the dispute considered and decided by a single-member panel in accordance with the Uniform Policy for Domain Name Dispute Resolution, approved by the Internet Corporation for Assigned Names and Numbers (ICANN) on 24 October 1999 (the Policy), the Rules for Uniform Domain Name Dispute Resolution Policy, approved by ICANN Board of Directors on 28 September 2013 (the Rules) and the ADNDRC Supplemental Rules for Uniform Domain Name Dispute Resolution Policy effective from 31 July 2015 (the Supplemental Rules).

On 16 April 2020, the Centre, by way of email, sent a request to the Registrar of the Disputed Domain Name, TLDs, LLC dba SRSplus (“the **Registrar**”) for verification in connection with the Disputed Domain Name. There had been no reply from the Registrar until 18 May 2020 after the Centre had sent two follow-up emails to the Registrar on 4 and 18 May 2020 respectively. On 18 May 2020, the Registrar verified the following:-

- (i) They are the registrar of the Disputed Domain Name.
- (ii) The registrant of the Disputed Domain Name is the Respondent Domain Admin.

- (iii) The creation date of the Disputed Domain Name is 28 January 2014
- (iv) The Disputed Domain Name status is as follows:-
  - Client Transfer Prohibited
  - Client Updated Prohibited
  - Client Renew Prohibited
  - Client Delete Prohibited

On 25 May 2020, the Centre issued a Written Notice of Complaint to the Respondent informing the Respondent that the proceedings officially commenced and requested the Respondent to submit a Response (in Form R and its Annexures, if any) within 20 days (i.e. on or before 14 June 2020) and forwarded the Complaint and its attachments to the Respondent.

On 16 June 2020, the Centre issued a Notification of Respondent in Default and confirmed that the Respondent did not submit a Response with the Centre, within the required time limit.

On 18 June 2020, the Centre appointed Dr. Lewis Luk JP as the sole panelist for this case. The Panel considered that it was properly constituted and submitted the acceptance notice as well as a statement of impartiality and independence.

On 2 July 2020, the panelist issued the Administrative Panel Order No. 1 ("the Panel Order") that the Complainants were requested to submit further evidence in relation to their trademarks and domain names.

The Complainants submitted further evidence as requested on 22 July 2020.

### 3. Factual background

#### The Complainants

The Complainants of this case involved two legal entities, (i) Bitmaintech Pte. Ltd.; and (ii) Bitmain Technologies Inc. Bitmaintech Pte. Ltd. is one of the wholly owned subsidiaries of Bitmain Technologies Inc. The Complainants owns various subsidiaries such as 重庆硅原大陆科技有限公司. The Complainants were founded in 2013, which are a technology company focusing on the design and development of high-speed and low-power consumption custom chip, the headquarter of which is in Beijing, and its affiliated companies are set up in Shenzhen, Shanghai, Sichuan and other cities of China as well as the United States, Israel, Singapore and the Netherlands.

As early as 2013 and before the registration date of the Disputed Domain Name, the Complainants began to develop bitcoin miners bearing the mark "ANTMINER" and also used "BITMAIN" to indicate the source of its products and services. Evidence of use by the Complainants and their affiliated companies include: (i) the use of the two marks "BITMAIN" and "ANTMINER" and promoted its goods/services bearing the two marks through its official website on Weibo since December 2013; (ii) the sales of the "ANTMINER" series products on Taobao and Cybtc.org since December 2013 with a record of about 120 consumers; (iii) the displace of the mark "BITMAIN" on the left top of the Complainants' website "bitmaintech.com" to indicate the source of the products and the bitcoin miner products bearing the mark "ANTMINER" are also available on the Complainants' website; (iv)




manufacture agreement entered between the Complainants and a third party (ASE (Chung-Li) Inc. concerning the bitcoin miner products bearing the mark “ANTMINER” in 2013; (v) the use of the Complainants’ official account on social media Facebook in 2013 using the mark “BITMAIN”; (vi) the Design Transfer Agreement entered between the Complainants and a Serbian designer Sava Stojsavljevic concerning the “ANTMINER” via an image design website 99deisgn.com in October 2013; and (vii) the Complainants’ ownership of the copyright upon the mark “ANTMINER”.

The Complainants’ marks “ANTMINER” and “BITMAIN” have been wildly reported by the media and enjoyed high fame among the relevant public. The Complainants therefore enjoy the trademark rights upon the two marks. At present, the Complainants’ “ANTMINER” series products are the world’s leading miner hardware. With the customers around the world, the Complainants have become the world’s largest bitcoin miners company and hold the largest market share in global miner market.

The Complainants are the owners of the trademarks “BITMAIN” and “ANTMINER” registered in various countries listed below:

Trademark	Jurisdiction	Registration No.	Registration Date	Class
<b>BITMAIN</b>	JAPAN	T6115174	January 18, 2019	9, 35, 36, 42
<b>BITMAIN</b>	MALAYSIA	2018056352	March 27 2018	36
<b>BITMAIN</b>	MALAYSIA	2018056351	March 27 2018	35
<b>BITMAIN</b>	MALAYSIA	2018056353	March 27 2018	42
<b>BITMAIN</b>	MALAYSIA	2018056350	March 27 2018	9
<b>BITMAIN</b>	CHINA	16620401	May 21, 2016	9
<b>BITMAIN</b>	CHINA	16620637	May 21, 2016	36
<b>BITMAIN</b>	CHINA	16620721	May 21, 2016	42
<b>BITMAIN</b>	HONG KONG	303355263	March 27, 2015	9, 36, 42
<b>BITMAIN</b>	EU	013913521	April 7, 2015	9, 36, 42
<b>BITMAIN</b>	UNITED STATES	4884613	January 12, 2016	9
<b>BITMAIN</b>	UNITED STATES	4980879	June 21, 2016	42
<b>BITMAIN</b>	SINGARPORE	40201504948W	March 24, 2015	9
<b>BITMAIN</b>	SINGARPORE	40201504949X	March 24, 2015	36
<b>BITMAIN</b>	SINGARPORE	40201504951W	March 24, 2015	42
<b>BITMAIN</b>	SWISS	718190	June 29, 2018	9,35,36,41,42
<b>BITMAIN</b>	PHILIPPINES	1444183	March 3, 2019	9, 35, 36, 41, 42
	SINGARPORE	T1412371F	August 6, 2014	9
	SINGARPORE	T1412795I	August 13, 2014	42



	HONG KONG	303102740	August 15, 2014	9
	HONG KONG	303102759	August 15, 2014	42
	EU	13168042	December 24, 2014	9, 42
	UNITED STATES	4708056	March 24, 2015	9
	UNITED STATES	4708234	March 24, 2015	42
	CHINA	15144735	September 28, 2015	9
	CHINA	15713345	September 28, 2015	42

As early as on or about 4 November 2013, the Complainants and their subsidiaries have registered domain names containing the mark “**BITMAIN**” and “**ANTMINER**” such as “bitmain.com,” “bitmain.cn,” “bitmain.com.cn,” “bitmaintech.com,” “antminer.com” and “antminer.cn” as well as other “BITMAIN” and “ANTMINER” related domain names. Moreover, the complainants are using the above domain names to promote its products and services continuously.

The Respondent

The Respondent registered the Disputed Domain Name on 28 January 2014.

#### 4. Parties’ Contentions

##### A. Complainant

The Complainant’s contentions may be summarized as follows:

*i. The Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights*

The Complainant enjoys the prior trademark right and trade name right on “**BITMAIN**,” in the meanwhile the Complainant enjoys prior trademark right and prior copyright upon “**ANTMINER**”. The Complainant’s marks “**BITMAIN**” and “**ANTMINER**” have achieved high fame due to the use and promotion by the Complainant and its affiliated companies. The Complainant enjoys legal interests upon the mark “**BITMAIN**” and “**ANTMINER**”.

The Disputed Domain Name is made up of “bitmainantminer” and “.com”, of which “.com” is the general part of the top-level domain name. The prominent part of the Disputed Domain Name is “bitmainantminer” which contains the Complainants’ prior marks in its entirety. The Disputed Domain Name is therefore identical to the Complainants’ prior trademarks and would mislead the



Internet users that the Disputed Domain Name is associated with the Complainants.

Besides, the website where the Disputed Domain Name directed to (hereinafter referred as the “**Disputed Website**”) also displays the Complainants’ prior marks “**BITMAIN**” and “**ANTMINER**”. Also there are bitcoin miners bearing the marks of “**BITMAIN**” and “**ANTMINER**” sold on the Disputed Website, which will easily mislead the Internet users that the goods provided on the Disputed Website are from the Complainants.

Therefore, the Disputed Domain Name is confusingly similar to the prior trademarks, trade name, copyright and domain names of the Complainants, which meets the first requirement of Article 4(a) of *UDRP*.

*ii. The Respondent has no rights or legitimate interests in respect of the domain name*

The Complainant does not license or transfer its marks “**BITMAIN**” and “**ANTMINER**” to other individuals or organizations except the Complainants and their affiliated companies.

The Respondent has no rights or legitimate interests in respect of the domain name, which meets the second requirement of Article 4(a) of *UDRP*.

*iii. The Disputed Domain Names(s) has/have been registered and is/are being used in bad faith*

The Complainants’ marks “**BITMAIN**” and “**ANTMINER**” are not fixed words and has no meaning in English. When looking up the words “**BITMAIN**” and “**ANTMINER**” in the OXFORD Online Dictionary, there is no result. The marks are created independently by the Complainants, and bears strong distinctiveness when used in the industry of smart hardware. When searching “**BITMAIN**” or “**ANTMINER**” on Google, Baidu, Bing, most of the search results lead to the Complainants. Thus, it could be seen that through the promotion and use by the Complainants, there is a firm connection between the marks “**BITMAIN**” and “**ANTMINER**” and the Complainant. The Complainants achieved certain reputation among the relevant public with the use of the two marks. Since the Disputed Domain Name is confusingly similar to the Complainant’s mark, it is of little possibility that the Respondent created the Disputed Domain Name by chance.

Furthermore, the prominent part of the Disputed Domain Name is a combination of “**BITMAIN**” and “**ANTMINER**.” The combination and the arrangement of the order of these terms would mislead the Internet users that Disputed Website provides goods of the Complainants.

The Complainants also submitted that the Complainants’ marks “**BITMAIN**” and “**ANTMINER**” are displayed on the Disputed Website as well as on the products shown on the Disputed Website. By clicking the Term of Sale link at the bottom of the Disputed Website, there was the Complainant’s trade name “**BITMAIN**” and it is



claimed in the Disputed Website that "All goods are shipped from Bitmain's warehouse locations in the USA and Canada".

The Respondent also promotes via the Disputed Website and the products referred thereto in the name of the Complainants on its social media accounts on Facebook, Twitter and Pinterest. There are links provided at the right bottom of the Disputed Website which will redirect the users to the Respondent's social media accounts. This would cause the confusion among the Internet users that the holder of the Disputed Website is the Complainants or is the associated company of the Complainants.

There are also false statements displayed on the Disputed Website which would mislead the Internet users that the Disputed Website is provided by the Complainants or the Disputed Website is associated or linked with the Complainants. The Respondent claims that the Complainant's product "Antminer S9" is their "latest server class bitcoin miner" on the center of the Disputed Website. It also claims to be "#1 in the world" and below the claim, it states AntMiner is the best-selling bitcoin miner. However, Antminer bitcoin miner products is provided by the Complainants, the above description is obviously against the fact and the Respondent is intentionally misleading the Internet users.

The Respondent's conduct could mislead the Internet users who want to buy the Complainant's products, then decreasing the Complainant's income, even damaging the Complainant's fame. As a bitcoin miner reseller, the Respondent should have known the Complainants and its trademarks, but it still shows quantities of information same with the Complainants on the Disputed Website, which clearly indicates the Respondent's bad faith.

B. Respondent

The Respondent did not submit a Response.

**5. Findings**

The ICANN Uniform Domain Name Dispute Resolution Policy provides, at Paragraph 4(a), that each of three findings must be made in order for a Complainant to prevail:

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

**A) Identical / Confusingly Similar**

The Complainants had duly submitted substantial evidence to prove the use and ownership of their two marks "BITMAIN" and "ANTMINER" before the registration date of the Disputed Domain Name. The Panel finds the Complainants own the trademarks "BITMAIN" and "ANTMINER" duly registered in different countries including China. The registrations are all valid and effective. The Complainants also own various domain names bearing their two trademarks. The Panel finds that the



Disputed Domain Name, which contains the Complainants' trademarks in its entirety and it is identical to the Complainants' trademarks. The Complainants have fulfilled the first condition.

### **B) Rights and Legitimate Interests**

The Panel accepts the confirmation by the Complainants that they did not license or transfer the trademarks "BITMAIN" and "ANTMINER" to the Respondent and that the Respondent has no connection to the Complainants at all. The Respondent did not submit any evidence to prove the contrary. The Panel finds that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name. The Complainants have fulfilled the second condition.

### **C) Bad Faith**

The Complainants submitted evidence to show the extensive use and promotion of their trademarks "BITMAIN" and "ANTMINER" in social media before the date of registration of the Disputed Domain Name by the Respondent. It is also reflected from the sale record that the Complainants enjoy a wide range of customers. The Panel finds that the Complainants enjoy a high degree of reputation by promotion their products with the trademarks "BITMAIN" and "ANTMINER".

The Panel also finds that the Respondent has maliciously registered the Disputed Domain Name with prior knowledge of the Complainants' reputation. This is evident by the use and displace of the Complainants' trademarks on the Disputed Website in which the Respondent purported to be the Complainants and/or a website associated with and/or linked with the Complainants aiming to target the potential consumers of the Complainants. The Panel finds that the Respondent is taking unfair advantage of the goodwill and reputation associated with the Complainants' trademarks and other IP rights, and intentionally attempting to mislead consumers into believing that the Disputed Domain Name, the Disputed Website, and/or its business are licensed by, have an association with or are otherwise endorsed by the Complainants.

The Panel finds that the Respondent has registered and used the Disputed Domain Name in bad faith. The Complainants have fulfilled the third condition.

## **6. Decision**

The Panel orders that the Disputed Domain Names be transferred to the Complainant Bitmain Technologies Inc.



Dr. Lewis Luk JP  
Panelists

Dated: 5 August 2020