



Asian Domain Name Dispute Resolution Centre

hong kong

(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2301816
Complainant:	Bentley Motors Limited
Respondent:	world-d ltd.
Disputed Domain Name(s):	<TWBENTLEYWINE.COM>

1. The Parties and Contested Domain Name

The Complainant is Bentley Motors Limited of Pyms Lane, Crewe, Cheshire, CW1 3PL, United Kingdom.

The Respondent is world-d ltd. of No. 29, Huagui St., North Dist., Taichung city, Taiwan 404, Taiwan.

The domain name at issue is <TWBENTLEYWINE.COM>, registered by Respondent with Web Commerce Communications Limited dba WebNic.cc.

2. Procedural History

- i. On 11 October 2023, the Complainant's authorized representative Marks & Clerk, submitted the Complaint together with the accompanying Annexures to the Hong Kong Office of the Asian Domain Name Dispute Resolution Centre (Centre) via email pursuant to 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).
- ii. On 11 October 2023, the Centre notified the Registrar, Web Commerce Communications Limited dba WebNic.cc, of the disputed domain via email and requested verification and information on the domain name. The Centre also confirmed receipt of the Complaint and requested that the case filing fee be settled.
- iii. On 11 October 2023, the Registrar responded with the following verification and information: -

- a) the Disputed Domain Name <TWBENTLEYWINE.COM> is registered with the Registrar;
 - b) the identity of the registrant or holder of the Disputed Domain Name is world-d ltd.;
 - c) ICANN's Uniform Domain Name Dispute Resolution Policy is applicable to the Complaint;
 - d) the language of the registration agreement for the Disputed Domain Name is English;
 - e) the Disputed Domain Name's creation date is 28 October 2021, and the expiration date is 28 October 2023;
 - f) the Disputed Domain Name will remain locked during the proceedings; and
 - g) WHOIS information on the Disputed Domain Name.
- iv. On 17 October 2023, the Centre notified the Complainant's authorized representative of deficiencies in the Complaint. The information of the Respondent in the Complaint differed from the WHOIS information provided by the Registrar. The Centre informed that the expiration date of the Disputed Domain Name is 28 October 2023, suggesting that the Complainant can consider renewing the Disputed Domain Name for the purpose of the UDRP process. The Centre requested a PDF / scanned version and a Word version of the signed (revised) Complaint Form to be sent within 5 calendar days. The rectification of these deficiencies was required within the specified timeframe.
- v. On 18 October 2023, the Complainant's authorized representative sent the updated signed Complaint Form to the Centre.
- vi. On 18 October 2023, the Centre confirmed that the Complaint is in compliance with the Uniform Domain Name Dispute Resolution Policy and its Rules, and informed the Complainant that the Complaint will be forwarded to the Respondent and that proceedings will be formally commenced in accordance with the Uniform Domain Name Dispute Resolution Policy and its Rules.
- vii. On 18 October 2023, the Centre transmitted to the Respondent the Written Notice of Complaint via email and notified the Respondent that it is required to participate in mandatory administrative proceedings and that the Respondent may submit a Response on or before 7 November 2023.
- viii. On 1 November 2023, the Registrar provided the Centre with the updated expiration date, 28 October 2024, for the Disputed Domain Name.
- ix. On 8 November 2023, the Centre sent confirmation that it did not receive a Response from the Respondent and, in accordance with the Complainant's request for the case to be decided by a single-member Panel.
- x. On 8 November 2023, the Respondent replied stating that the Response had been submitted via email on 27 October 2023. In response, the Centre clarified that the Response was not received on 27 October 2023, as the email recipient did not include the Centre. The Centre further informed that the Panel would determine the admissibility, relevance, materiality and weight of the evidence received from the Respondent, in accordance with Paragraph 10 of the Policy.

- xi. On 21 November 2023, the Centre contacted Michael Soo Chow Ming and he confirmed his availability and ability to act independently and impartially vis-à-vis the parties. He was appointed as panelist on 22 November 2023.

3. Factual background

A. Complainant

The Complainant owns the “**BENTLEY**” Trade Mark, a widely registered mark in numerous jurisdictions globally, including Taiwan. With nearly 400 applications and registrations of the “**BENTLEY**” Trade Mark globally, it has been actively used across a wide range of goods and services, notably including alcoholic beverages. Furthermore, the Complainant owns more than 75 Domain Names that incorporate the “**BENTLEY**” Trade Mark.

B. Respondent


The Centre did not receive a Response from the Respondent on or before 7 November 2023. However, the Panel has decided to consider the Response received by the Centre after the prescribed time period. In this Response, the Respondent confirmed all the complaints, stating they were unaware of the registration of the “**BENTLEY**” Trade Mark. Additionally, the Respondent expressed willingness to transfer the Disputed Domain Name to the Complainant.

4. Parties’ Contentions

A. Complainant

The Complainant’s contentions can 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.
 - a) The Complainant, founded by W. O. Bentley in 1919 and now a subsidiary of the Volkswagen Group under Audi, features the word “**BENTLEY**” as the identifying element in its company/corporate/business name and core trademark since its inception.
 - b) Throughout its century-long existence, the Complainant has extensively used the “**BENTLEY**” Trade Mark across a diverse range of goods and services globally, including in Taiwan. Actively participating in numerous global events, the Complainant, in 2019 alone, engaged in various centenary celebration activities across various locations. Financially, the Complainant has shown robust performance, delivering thousands of vehicles and generating substantial revenue in recent years.
 - c) The Complainant’s rights to the “**BENTLEY**” Trade Mark are indisputable, established through long-term, extensive use, and significant promotional efforts. Legal actions have consistently been taken against parties attempting to misuse the Complainant’s “**BENTLEY**” Trade Mark, exemplified by the successful revocation of a Hong Kong “**BENTLEY**” Trade Mark in Classes 9, 16, 14 and 33 in the name of Aucera S.A.

- d) The Complainant contends that the Disputed Domain Name “**TWBENTLEYWINE.COM**” incorporates the Complainant’s “**BENTLEY**” Trade Mark, which stands as the only identifying and distinctive element in the Disputed Domain Name. Despite the addition of the letters “**TW**” (indicating Taiwan) and the word “**WINE**” (descriptive of the relevant goods sold through the website), the distinct and recognizable element is “**BENTLEY**”. This renders the Disputed Domain Name confusingly similar to the Complainant’s Trade Mark, Domain Names, and its established corporate identity, which have been in continuous use for over a century.
- ii. The respondent has no rights or legitimate interests in respect of the Disputed Domain Name.
- a) The Complainant contends that no authorization has been given to any party, including other companies or officers within its group, to register and use the Disputed Domain Name. The Respondent lacks any connection with the Complainant and has not received authorization to register or use the Disputed Domain Name.
- b) The creation date of the Disputed Domain Name on 28 October 2021 raises significant points. Firstly, this date is long after the Complainant filed and registered its “**BENTLEY**” Trade Mark, along with numerous other trade marks that incorporate it. Secondly, the Disputed Domain Name was created after the filing and registration of the Complainant’s Domain Names. Lastly, the Disputed Domain Name was registered after the Complainant has established substantial goodwill and reputation globally through extensive use of its “**BENTLEY**” Trade Mark for a large number of goods and services, including in Taiwan.
- c) Given these factors, it is evident that the Respondent lacks legitimate interests or rights concerning the Disputed Domain Name, further supporting the Complainant’s claim.
- iii. The Disputed Domain Name has been registered and is being used in bad faith.
- a) Given the extensive reputation and goodwill of the Complainant, its “**BENTLEY**” Trade Mark, and Domain Names worldwide, including in Taiwan, the Complainant asserts that the Respondent should have been well aware of the Complainant, its Trade Mark, and Domain Names before registering the Disputed Domain Name. The Disputed Domain Name must have been applied for and registered in bad faith.
- b) The webpages downloaded from the website using the Disputed Domain Name not only show the use of the Complainant’s “**BENTLEY**” Trade Mark but also display the use of the Complainant’s logo “” (“**Logo Mark**”) in relation to wines and liquors unrelated to the Complainant. The webpages show that the users of the website are 台灣賓

利酒業有限公司 and 鼎航商務科技有限公司, with a single contact address in Taiwan.

- c) The Complainant has consistently used a series of logos, collectively known as the “**Winged B Logos**”, since its establishment over a century ago. These logos, featuring a letter “**B**” inside a pair of wings, symbolize the Complainant’s enduring brand identity. The Complainant has taken extensive steps to protect its Winged B Logos globally, registering them in various jurisdictions, including Taiwan.
- d) The Logo Mark used on the Website is extremely similar, if not identical, to the Complainant’s **Winged B Logos**. Particularly evident in the Logo Mark on the last page of Appendix L has different numbers of feathers on the two wings, conclusively showing that it is a blatant duplication of the Complainant’s **Winged B Logos**.
- e) The argument against the innocent incorporation of the Complainant’s “**BENTLEY**” Trade Mark in the Disputed Domain Name is further underscored when considering the use of the Complainant’s **Winged B Logo** on the website. Even if the Respondent contends that the “**BENTLEY**” Trade Mark was innocently included, the same argument is deemed inconceivable for the **Winged B Logo**. The Complainant asserts that the Disputed Domain Name was not only applied for and registered in bad faith but has also been actively used with the purpose of misappropriating both the “**BENTLEY**” Trade Mark and **Winged B Logos**, along with their associated goodwill and reputation.
- f) Taking into account the facts that (a) the Disputed Domain Name is confusingly similar to the Complainant’s “**BENTLEY**” Trade Mark, the Complainant’s own name, and its Domain Names, and (b) the Complainant’s “**BENTLEY**” Trade Mark and **Winged B Logo** have been conspicuously shown and used on the Website for the promotion and sale of wines and liquors that have no relation whatsoever with the Complainant, these facts collectively show a deliberate effort by the Respondent to attract Internet users to the website for commercial gain by creating a likelihood of confusion regarding the source, sponsorship, affiliation, or endorsement of the Website or online location of the products on the Website or location. In conclusion, it is indisputable that the Disputed Domain Name has been applied for, registered and used in bad faith.

Based on the above, the Complainant requests the Disputed Domain Name <TWBENTLEYWINE.COM> be transferred to the Complainant.

B. Respondent

In the Respondent’s Response, the Respondent acknowledged all the complaints and expressed willingness to transfer the Disputed Domain Name to the Complainant.

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.

As the Respondent did not contest the complaints, the Panel will base its decision solely on the information and materials provided by the Complainant.

A) **Identical / Confusingly Similar**

- i. The Complainant has presented evidence of owning the registered "BENTLEY" Trade Mark in various countries and territories, along with proof of its extensive use across a wide range of products and services. Furthermore, the Complainant possesses more than 75 Domain Names that incorporate the "BENTLEY" Trade Mark. These facts establish the Complainant's prior rights over the "BENTLEY" Trade Mark. The Disputed Domain Name, <TWBENTLEYWINE.COM>, includes the entire "BENTLEY" Trade Mark of the Complainant.
- ii. According to Paragraph 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Jurisprudential Overview 3.0"), if a domain name incorporates the entirety of a trademark or a dominant recognizable feature of the mark, it will generally be considered confusingly similar to that mark for UDRP purposes.
- iii. As illustrated in **EAuto, L.L.C. v Triple S. Auto Parts d/b/a Kung Fu Yea Enterprises, Inc.**; WIPO Case No. D2000-0047, it was established that when a domain name incorporates an entire distinctive mark, it creates sufficient similarity between the mark and the domain name to be deemed confusingly similar.
- iv. The Complainant has provided compelling evidence showcasing the widespread recognition of the "BENTLEY" Trade Mark worldwide, confirming the well-known status of the Complainant's "BENTLEY" Trade Mark. Consequently, the inclusion of this renowned "BENTLEY" Trade Mark in the Disputed Domain Name is sufficient to establish the Disputed Domain Name as confusingly similar to the Complainant's "BENTLEY" Trade Mark.
- v. This principle was established in **Ansell Healthcare Products Inc. v Australian Therapeutics Supplies Pty, Ltd.**; WIPO Case No. D2001-0110: -

"The incorporation of a Complainant's well-known trademark in the registered domain name is considered sufficient to find the domain name confusingly similar to the Complainant's trademark: see Quixtar Investments, Inc. v. Smithberger and QUIXTAR-IBO, Case No. D2000-0138 (WIPO, April 19, 2000)

(finding that because the domain name <quixter-sign-up.com>incorporates in its entirety the Complainant's distinctive mark, QUIXTER, the domain name is confusingly similar); Hewlett-Packard Company v. Posch Software, Case No. FA95322 (Nat. Arb. Forum, Sept. 12, 2000). [emphasis added]

- vi. The Panel agrees with the Complainant's claim that, despite the inclusion of the letters "TW" and the word "WINE" in the Disputed Domain Name, the distinct and recognizable element is still "BENTLEY". It has been established that the addition of generic words to a trademark does not prevent confusion, as decided in **Fondation Le Corbusier v Monsieur Bernard Weber, Madame Heidi Weber**; WIPO Case No. D2003-0251: -

*"Each Disputed Domain Name includes the trademark LE CORBUSIER with the addition of a generic word: art, museum, fondation, foundation, centre or center. **The combinations obtained are generic and do not stop the confusion caused by the use of the trademark LE CORBUSIER**: The Body Shop International PLC. v. CPIC Net and Syed Hussain, WIPO Case No. D2000-1214; Space Imaging, eResolution Case No. AF0298. The words foundation and museum were found to be descriptive in Indivision Picasso v. Manuel Mu iz Fernandez [Hereisall], WIPO Case No. D2002-0496 as was the word center in Nintendo of America Inc. v. Berric Lipson, WIPO Case No. D2000-1121." [emphasis added]*

- vii. The Panel finds that the letters "TW" and the word "WINE" are generic and lack distinctive value to avoid confusion with the Complainant's "BENTLEY" Trade Mark. Ultimately, "BENTLEY" remains the most prominent and distinctive element in the Disputed Domain Name, contributing to the likelihood of confusion.
- viii. Therefore, the Panel concludes that the Disputed Domain Name is identical or confusingly similar to the Complainant's "BENTLEY" Trade Mark, satisfying the first element in paragraph 4(a) of the Policy.

B) Rights and Legitimate Interests

- i. The Panel concludes that the Complainant has established a prima facie case demonstrating that the Respondent lacks any rights or legitimate interests concerning the Disputed Domain Name.
- ii. The Complainant has confirmed that no authorization has been given to any party, including other companies or officers within its group, to register and use the Disputed Domain Name. The Respondent lacks any connection with the Complainant and has not received authorization to register or use the Disputed Domain Name.
- iii. The Panel agrees that the creation date of the Disputed Domain Name on 28 October 2021 is long after the Complainant filed and registered its "BENTLEY" Trade Mark, after the filing and registration of the Complainant's Domain Names, and after the Complainant has established substantial goodwill and reputation globally through extensive use of its "BENTLEY" Trade Mark for a large number of goods and services, including in Taiwan.
- iv. The Panel determines that the Respondent possesses no rights or legitimate interests concerning the Disputed Domain Name.

C) Bad Faith

- i. In order to establish bad faith under the Policy, the Complainant is required to show that the registration and use of the Disputed Domain Name were conducted in bad faith. This requirement is detailed in Paragraph 4(b) of the Policy, which states: -


“For the purposes of Paragraph 4(a)(iii), the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

- (i) *circumstances indicating that the Registrant has registered or has 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 the Registrant’s documented out-of-pocket costs directly related to the Domain Name; or*
 - (ii) *the Registrant has 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 Registrant has engaged in a pattern of such conduct; or*
 - (iii) *the Registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor; or*
 - (iv) **by using the Domain Name, the Registrant has intentionally attempted to attract, for commercial gain, Internet users to the Registrant’s 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 the Registrant’s web site or location or of a product or service on the Registrant’s web site or location.** [emphasis added]
- ii. The Complainant has presented evidence demonstrating the extensive global presence, high distinctiveness, and widespread recognition of the Complainant’s “**BENTLEY**” Trade Mark, as well as its **Winged B Logos**. In **eBay Inc. v Renbu Bai**; WIPO Case No. D2014-1693, it was decided that: -

*“Prior panels have found that knowledge, **actual or inferred, of a strong mark is evidence of registration in bad faith.** See *Caesars World, Inc. v. Forum LLC*, WIPO Case No. D2005-0517 (“**[T]he Complainant’s worldwide reputation, and presence on the Internet, indicates that Respondent was or should have been aware of the marks prior to registering the Disputed Domain Name.**”); see also *The Gap, Inc. v. Deng Youqian*, WIPO Case No. D2009-0113 (“**[T]he Panel concurs with previous WIPO UDRP decisions holding that registration of a well-known trademark as a domain name is a clear indication of bad faith in itself, even without considering other elements.**”.) [emphasis added]*

- iii. The webpages downloaded from the website using the Disputed Domain Name not only show the use of the Complainant's "BENTLEY" Trade Mark but also display the



use of the Complainant's logo "  " in relation to wines and liquors unrelated to the Complainant. Given the extensive reputation and goodwill of the Complainant, its "BENTLEY" Trade Mark, its **Winged B Logos**, and Domain Names worldwide, including in Taiwan, the Respondent should have been well aware of the Complainant, its "BENTLEY" Trade Mark, its **Winged B Logos**, and Domain Names at the time of registering the Disputed Domain Name on 28 October 2021.

- iv. In **Maori Television Service v Damien Sampat**; WIPO Case No. D2005-0524, it was found that: -

*"A finding of bad faith may be made whether **the Respondent knew or should have known of the registration and use of the trade mark prior to registering the domain**"* [emphasis added]

- v. The Panel concludes that the Respondent intended to exploit the Complainant's goodwill and reputation for illegitimate purposes by incorporating "BENTLEY" into the Disputed Domain Name. The Respondent is using the Disputed Domain Name in bad faith to falsely imply an association with the Complainant and the Complainant's "BENTLEY" Trade Mark, intentionally leading to confusion among Internet users, within the meaning of Paragraph 4(b)(iv) of the Policy.

- vi. In **Oki Data Americas, Inc. v ASD, Inc.**; WIPO Case No. D2001-0903, it was found as follows: -

*"The site must accurately disclose the registrant's relationship with the trademark owner; **it may not, for example, falsely suggest that it is the trademark owner, or that the website is the official site, if, in fact, it is only one of many sales agents.** E.g., *Houghton Mifflin Co. v. Weatherman, Inc.*, WIPO Case No. D2001-0211 (WIPO April 25, 2001) (no bona fide offering where website's use of Complainant's logo, and lack of any disclaimer, suggested that website was the official Curious George website); *R.T. Quaipe Engineering v. Luton*, WIPO Case No. D2000-1201 (WIPO Nov. 14, 2000) (**no bona fide offering because domain name <quaipeusa.com> improperly suggested that the reflected site was the official U.S. website for Quaipe, an English company; moreover, respondent's deceptive communications with inquiring consumers supported a finding of no legitimate interest**); *Easy Heat, Inc. v. Shelter Prods.*, WIPO Case No. D2001-0344 (WIPO June 14, 2001) (no bona fide use when respondent suggested that it was the manufacturer of complainant's products)." [emphasis added]*

- vii. Therefore, The Panel concludes that the Respondent registered and/or has used the Disputed Domain Name in bad faith, as per the definition in paragraph 4(a)(iii) of the Policy.

6. Decision

Based on the foregoing reasons, the Complaint is allowed and the Disputed Domain Name, <TWBENTLEYWINE.COM>, is to be transferred to the Complainant.

A handwritten signature in black ink, consisting of a large, stylized 'M' shape with a vertical stroke on the right side, positioned above a horizontal line.

Michael Soo Chow Ming
Panelist

Dated: 4th December 2023