



Asian Domain Name Dispute Resolution Centre  
- a charitable institution limited by guarantee registered in Hong Kong

## UNIFORM RAPID SUSPENSION SYSTEM (URS) DETERMINATION

<b>Case ID.:</b>	HKS-1700032
<b>Complainant:</b>	Entertainment One UK Limited
<b>Authorised Representative of the Complainant:</b>	N/A
<b>Respondent:</b>	Futian District Shenzhen Tongpin Converging Traders
<b>Authorised Representative of the Respondent:</b>	N/A

### Disputed Domain Name(s)

• < peppapig168.xin >

Total: 1 Disputed Domain Name(s)

### Procedural History

<b>Receipt of Complaint:</b>	2017-12-07 (YYYY-MM-DD)
<b>Notification of Commencement of Proceedings:</b>	2017-12-15 (YYYY-MM-DD)
<b>Notification of Default:</b>	2017-12-30 (YYYY-MM-DD)
<b>Notification of Appointment of Examiner:</b>	2017-12-30 (YYYY-MM-DD)

The Registrar is Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn).

The undersigned certifies that he has acted independently and impartially and to the best of his knowledge has no known conflict in serving as Examiner in this proceeding.

Having reviewed the communications record, the Examiner finds that the Hong Kong Office of the Asian Domain Name Dispute Resolution Centre ("Centre") has discharged its responsibility under the URS Procedure, Paragraphs 3 and 4, and Rule 4 of the Rules for the Uniform Rapid Suspension System ("Rules").

#### Default Determination

Respondent's Response was required to be submitted to the Hong Kong Office of the Centre within fourteen (14) Calendar Days of the date of commencement, that is, on or before 29 December 2017. Respondent failed to submit a Response timely, or at all. This Default Determination followed.

### Findings

#### A. The registered domain name is identical or confusingly similar to a word mark

Complainant alleges that Peppa Pig is a hugely successful, critically acclaimed pre-school animated series for girls and boys that is broadcast in over 180 countries. Complainant holds several Chinese, US and EU trade mark registrations for, amongst others, the word mark "PEPPA PIG" (the "Mark"), in various classes of products and services. Complainant submitted proof of use of the Mark, consisting of screen shots of Complainant's official Chinese websites selling products bearing the Mark and a list of domain names registered by the Complainant worldwide and containing the Mark, with the Complaint.

The domain name in question incorporates Complainant's Mark "PEPPA PIG" in its entirety, and is therefore identical or confusingly similar to the Mark. That the domain name omits the space between the words "PEPPA" and "PIG", and includes the numerals 168 and the gTLD ".XIN", is of no relevance to the inquiry and does not require a different result.

The Examiner finds that the registered domain name is identical or confusingly similar to Complainant's word Mark.

**B. The Registrant has no legitimate right or interest to the domain name**

The Complainant has not licenced or otherwise authorised the registration of the domain name in question. The Examiner finds that Complainant has made out a *prima facie* case that the Registrant has no legitimate right or interest to the domain name. Respondent, having defaulted in the proceedings, has failed to carry its burden of coming forward with rebuttal evidence.

**C. The domain was registered and is being used in bad faith**

The domain name in question resolves to a website that advertises and offers for sale products of unknown origin that have not been licensed or approved by Complainant. The record shows that the domain name in question was registered and is being used by Respondent in bad faith: (i) to disrupt the business of the Complainant by selling unapproved products; or (ii) to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's Mark as to the source, sponsorship, affiliation and/or endorsement of the Respondent's website and of the unapproved Peppa Pig products offered through it, or both.

## Determination

Applying the standard of "clear and convincing evidence", the Examiner finds that Complainant has satisfied all three elements of the URS. The Examiner hereby Orders that the following domain name be **SUSPENDED** for the duration of the registration:

<peppapig168.xin>

Name	David L. Kreider
Date	2017-12-30 (yyyy-mm-dd)
Electronic Signature	(David L. Kreider)