



URS FINAL DETERMINATION

Aston Martin Lagonda Ltd v. liu zheng cong et al.

Claim Number: FA1802001773723

DOMAIN NAME

<astonmartin.link>

PARTIES

Complainant: Aston Martin Lagonda Ltd. of Warwick, United Kingdom.

Complainant Representative: Aaron B. Newell of London, United Kingdom.

Respondent: FA1802001773723 of Shenzhen, China.

Complainant Representative: FA1802001773723 of Shenzhen, China.

liu zheng cong of Shenzhen city, GD, International, CN.

REGISTRIES and REGISTRARS

Registries: Uniregistry, Corp.

Registrars: Chengdu West Dimension Digital Technology Co., Ltd.

EXAMINER

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.

David L. Kreider, as Examiner.

PROCEDURAL HISTORY

Complaint submitted: February 27, 2018

Commencement: February 27, 2018

Response Date: February 28, 2018

Having reviewed the communications records, the Examiner finds that the FORUM has discharged its responsibility under URS Procedure Paragraphs 3 and 4 and Rule 4 of the Rules for the Uniform Rapid Suspension System (the "Rules") .

RELIEF SOUGHT

Complainant requests that the domain name be suspended for the life of the registration.

STANDARD OF REVIEW

Clear and convincing evidence.

FINDINGS and DISCUSSION

Founded in 1913, the Complainant, Aston Martin Lagonda Limited, manufactures the iconic ASTON MARTIN luxury sports vehicle, known the world over to be the choice in motorcars of superspy and fictional hero James Bond.

Complainant owns over 900 filed trade marks on over 80 registers worldwide, including EUTM registration no 8367815 ASTON MARTIN and US registration 4024407 ASTON MARTIN covering, *inter alia*, vehicles and parts and fittings for vehicles (class 12) retail services connected with the sale of automobiles and automotive goods (class 35). Complainant has promoted its products and services online since at least 1995, at www.astonmartin.com and across a number of other TLDs and ccTLDs, with an online presence that includes over 288 domains worldwide.

URS Procedure 1.2.6, requires Complainant to prove, by clear and convincing evidence, each of the following three elements to obtain an order that a domain name should be suspended:

1. The registered domain name is identical or confusingly similar to a word or mark [URS/.usRS 1.2.6.1] for which the Complainant holds a valid national or regional registration and that is in current use;
2. Registrant has no legitimate right or interest to the domain name [URS/.usRS 1.2.6.2];
3. The domain name was registered and is being used in bad faith [URS 1.2.6.3].

The Examiner finds that the disputed domain name is identical to Complainant's registered ASTON MARTIN mark and that Respondent has no legitimate right or interest in the disputed domain name.

It is difficult to envisage any use of the disputed domain name that would not infringe Complainant's rights. Complainant observes that this was the expressed finding of previous examiners in several of the nine (9) successful URS cases preceding this one involving Claimant's ASTON MARTIN mark.

The Respondent does not dispute Complainant's allegations of bad faith by passive use. Respondent's Response say's only: “怎么处理该域名？怎么专移给你们？” , or “*how can this domain [dispute] be resolved? How can [the disputed domain name] be transferred to you?*”¹ Respondent's Response say's nothing more. Respondent does not assert any facts or matters to rebut Complainant's allegations and evidence.

¹ Translated from the original Chinese into English by the Examiner, who speaks fluently and reads Chinese as a second language in addition to his native English.

The Examiner finds and decides that Respondent registered and is using the disputed domain name in bad faith and that the Complainant is entitled to a decision on the merits in its favour.

DETERMINATION

After reviewing the parties' submissions, the Examiner determines that the Complainant has demonstrated all three elements of the URS by a standard of clear and convincing evidence; the Examiner hereby Orders that the following domain name be SUSPENDED for the duration of the registration.

<astonmartin.link>

A handwritten signature in black ink, appearing to read 'DK', is written above a horizontal line.

David L. Kreider, Esq.
Panelist

David L. Kreider, Examiner

Dated: March 1, 2018