



## URS FINAL DETERMINATION

CFA Institute v. Peng Cheng Li et al.

Claim Number: FA1910001866970

### DOMAIN NAME

<cfa.plus>

### PARTIES

Complainant: CFA Institute of Charlottesville, Virginia, United States of America.

Complainant Representative: DLA Piper LLP (US) of Washington, District of Columbia, United States of America.

Respondent: Peng Cheng Li of He Nan, International, CN.

Peng Cheng Li of REDACTED FOR PRIVACY, He Nan, China.

上海时间之矢信息技术有限公司 of Shanghai, International, China.

### REGISTRIES and REGISTRARS

Registries: Binky Moon, LLC

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 and that he is fluent in English and in the language of the Response.

David L. Kreider, as Examiner.

## PROCEDURAL HISTORY

Complainant submitted: October 16, 2019

Commencement: October 17, 2019

Response Date: October 29, 2019

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

Complainant, CFA Institute, is an internationally renowned global, not-for-profit association comprised of investment professionals, with over 150,000 members in 140 countries worldwide and 148 local member societies in seventy-three countries. Complainant is the exclusive administrator and grantor of the Chartered Financial Analyst designation and owner of the CHARTERED FINANCIAL ANALYST and CFA trademarks. Complainant registered the CFA mark with the USPTO (Reg. No. 2,493,899, registered October 2, 2001). Past panels have held that registration of a mark with the USPTO is sufficient to establish a registrant's rights in a mark. *See T-Mobile USA, Inc. dba MetroPCS v. Ryan G Foo / PPA Media Services*, FA 1627542 (Forum Aug. 9, 2015).

The Panel finds that the Disputed Domain Name <cfa.plus> is identical to Complainant's registered CFA Mark.

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:

1.2.6.1. that the registered domain name is identical or confusingly similar to a word mark: (i) for which the Complainant holds a valid national or regional registration and that is in current use; or (ii) that has been validated through court proceedings; or (iii) that is specifically protected by a statute or treaty in effect at the time the URS complaint is filed.

1.2.6.2. that the Registrant has no legitimate right or interest to the domain name; and

1.2.6.3. that the domain was registered and is being used in bad faith.

Respondent asserts that, on September 23, 2019, he established a company to develop and market a software application to be known as “China Futures Assistant” (the “Software”), for the domestic market in China, and that he registered the Disputed Domain Name on 25 September 2019 for this purpose. The Software would be used to facilitate customers’ commodity futures trading.

The Respondent submits in support of his Response a certificate of qualification issued to the Respondent, Peng Cheng Li (李鹏程), by the China Commodities Association and dated November 2012, along with a business license dated 23 September 2019, pertaining to a Shanghai-based information technology company. Respondent’s said certificates each bear the legend: “For use as evidence in the CFA Institute’s <cfa.plus> litigation only”.

Respondent concedes that he “had made no formal use of the domain name” by the time he received notice of the commencement of these URS proceedings on October 17, 2019. Significantly, moreover, the Panel notes the complete absence of evidence to show demonstrable preparations to use the Disputed Domain Name, or a name corresponding to the domain name, in connection with any *bona fide* offering of goods or services.

The Panel concludes that the Registrant intentionally sought to disrupt the business of a competitor or use the <cfa.plus> domain name to attract for commercial gain, Internet users to Registrant’s web site or other on-line location, by creating a likelihood of confusion with the Complainant’s CFA Mark, as to the source, sponsorship, affiliation, or endorsement of Registrant’s product or service on that web site or location, or both.

#### **FINDING OF ABUSE or MATERIAL FALSEHOOD**

Respondent argues that Complainant’s Complaint lacks merit and constitutes an abuse of the URS procedure because numerous other entities in China (China Futures Association; China Film Archive; China Film Animation; and China Film Art Research Center) conduct business under the abbreviation “CFA”. Moreover, Respondent avers, due to Complainant’s rigorous examinations and related requirements, use of the Complainant’s registered Mark by professionals entitled to employ the titular designation “CFA” is quite limited in the Mainland of China. For these reasons, Respondent avers, the Complainant has overblown the scope and influence of its Mark internationally and with reference to the Mainland of China.

The Panel rejects Respondent’s assertions and finds no evidence of abuse under URS procedure 11.

## 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 the following domain name be SUSPENDED for the duration of the registration.

<cfa.plus>



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David L. Kreider, Esq.  
Panelist

David L. Kreider, Examiner

Dated: October 29, 2019