



## URS FINAL DETERMINATION

Bitwarden, Inc. v. 宁江江 / 宁江江 et al.

Claim Number: FA2108001959741

### DISPUTED DOMAIN NAMES

<bitwarden.cool>; <bitwarden.top>

### PARTIES

Complainant: Bitwarden, Inc. of Santa Barbara, California, United States of America.

Complainant Representative: Redfield IP PC of Redwood City, California, United States of America.

Respondent: 宁江江 of 北京, Unknown, China.

ningjiangjiang of bei jing shi, Bei Jing Shi, International, CN.

宁江江 / 宁江江 of 市辖区, 北京市, International, CN.

### REGISTRIES and REGISTRARS

Registries: .TOP Registry; Binky Moon, LLC

Registrars: DNSPod, Inc.; 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, Chartered Arbitrator (UK), as Examiner.

## **PROCEDURAL HISTORY**

Complainant submitted: August 16, 2021

Commencement: August 18, 2021

Default Decision Date: September 2, 2021

Response Date: September 4, 2021

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**

On September 2, 2021, the undersigned Examiner rendered a Default Decision finding in favor of the Complainant, Bitwarden, Inc., on all three URS elements and ordering the transfer of the Disputed Domain Names <bitwarden.cool> and <bitwarden.top> to the Complainant.

Thereafter, the Respondent, who previously defaulted, sought and obtained an extension of time from the Forum in accordance with Rule 6(a) of the NAF URS Supplemental Rules (effective February 1, 2014), to submit a Response. The Respondent subsequently submitted a Response timely on September 4, 2021.

In its Default Decision, the undersigned Examiner found and determined as follows:

“The Complainant, Bitwarden, Inc., is the owner of the BITWARDEN trademark (the “Mark”) and the bitwarden.com domain name and has used the Mark and bitwarden.com domain name in connection with its acclaimed password management products and services since November 16, 2015.

Without the Complainant’s authorization, the <Bitwarden.cool> and <Bitwarden.top> domain names (the “Disputed Domain Names”) were both registered on March 3, 2021, by the Respondent, “ningjiangjiang” or “JiangJiangNing”, with an address of “bei jing shi, CN” through the registrars DNSPod, Inc. and Chengdu west dimension digital according to the Whois records. Additional registrant data is privacy protected.

The Disputed Domain Names are identical to the Complainant's Mark for which the Complainant has superior rights and holds valid US Registration Nos. 5580631 and 6227472 and International Reg. No. 1563326 designating the EU.

The Respondent offers a hosted password management service on <bitwarden.top> that is identical to Complainant’s service and displays a login page on <bitwarden.cool> that is identical to the Complainant’s secure vault access login page. Internet users who visit the Respondent’s websites are likely to be misled into believing that the Respondent’s password management services originate from, are sponsored by, or are associated with Bitwarden, when they are not. The Complainant alleges, upon information and belief, that the Respondent is engaged in a phishing scam by gathering sensitive data including master passwords from unsuspecting users who believe they are accessing their accounts with Bitwarden, Inc. These master passwords may then

be used to access customer vaults that contain passwords for their various online accounts.

The Expert finds that the Disputed Domain Names were registered and are being used in bad faith since the Respondent registered the domain names primarily for the purpose of disrupting the business of its competitor, Bitwarden, Inc. By using the Disputed Domain Names, the Respondent has intentionally attempted to attract for commercial gain, Internet users to Respondent's websites by creating a likelihood of confusion with the Complainant's mark as to source, sponsorship, affiliation or endorsement of registrant's website. It is apparent from the Respondent's fraudulent and malicious behavior that there is no legitimate basis for Respondent's registrations and/or use of the Domain Names."

The Response, written in Chinese, asserts that the Complainant's allegation that the Respondent is using the Disputed Domain Names in pursuit of a "phishing" scam are false and defamatory. The Respondent avers that he has long admired the Complainant's paid password management service and that the Website at the <bitwarden.top> domain provides positive publicity and touts the advantages of the Complainant's services over those of competitors, such as its convenience of use and stability.

The Respondent asserts that because a Website user's password and sensitive information are not visible on the server at all, and third party use of the Complainant's open-source software is not prohibited, the Complainant's allegations of on-line fraud are "nonsense".

Finally, the Respondent asserts that the Complainant's own failure to register the Disputed Domain Names during the six-year period between the Complainant's registration of the Mark in 2015, through the date of the Respondent's

registration of the Disputed Domain Names in 2021, shows that the Complainant does not, in fact, attach any real significance to the Disputed Domain Names.

The Examiner notes that the Website at the <bitwarden.cool> domain is virtually indistinguishable from the Complainant's secure password manager application log-in page, including the dual-colored BITWARDEN name and shield logo. Respondent even claims rights to the BITWARDEN Mark, reflecting on its Website: "© 2021, Bitwarden Inc. Version 2.18.1".

The Website to which <bitwarden.top> domain resolves similarly displays the BITWARDEN dual-colored shield logo and purports to offer to teach users how to use the "advanced edition" BITWARDEN service, beginning by first entering their email address into the Website. The Website offers the BITWARDEN "advanced version" secure password management service for the price of RMB 12.00 per annum (about USD 1.85).

The Complaint alleges relevantly that Bitwarden does allow third parties to self-host web-vaults using Bitwarden open source software; however, public users are not permitted to use the Bitwarden trademark or copy content from Bitwarden's secure vault access login page.

The undersigned Examiner (again) finds that the Complainant has succeeded on the three URS elements and that the Disputed Domain Names were registered and are being used in bad faith since the Respondent registered the domain names primarily for the purpose of disrupting the business of its competitor, Bitwarden, Inc. By using the Disputed Domain Names, the Respondent has intentionally attempted to attract for commercial gain, Internet users to Respondent's websites by creating a likelihood of confusion with the Complainant's mark as to source, sponsorship, affiliation or endorsement of registrant's website.

## FINDING OF ABUSE OR MATERIAL FALSEHOOD

The Complaint contains no falsehoods, material or otherwise, and was not brought in an abuse of these proceedings as is erroneously alleged in the Response.

## 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 names be SUSPENDED for the duration of the registration:

<bitwarden.cool>; <bitwarden.top>

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

David L. Kreider, Esq.  
Panelist

David L. Kreider, Examiner

Dated: September 08, 2021