IL-DRP PANEL FOR THE INTERNET SOCIETY OF ISRAEL

Leehee Feldman, Adv.

In the matter of the **Domain < Gigabyte.co.il>**

between

Gigabyte Technology, Inc.

Of 10F, No. 6 Bao Chiang Rd., Hsin-Tien, New Taipei City 231, Taiwan

(The "Petitioner")

and

Gold (Top) Computers and Technologies Ltd.

Of 17/A Lazarov St. Rishon-Lezion 75654 Represented by Karen Elburg, Adv. (The "Respondent" or "Holder")

DECISION

I. Procedural Facts

- 1. ISOC-IL received a Petition on behalf of the Petitioner, on October 16th, 2014, requesting that the Domain Name "gigabyte.co.il" be reallocated to the Petitioner. A Panelist was appointed on Oct. 30th, in accordance with the Procedures for Alternative Dispute Resolution under the IL-DRP Rules, in order to address the Petitioner's above request (http://www.isoc.org.il/domains/ildrp_rules.html) (hereinafter "the Rules").
- 2. Notification of the pending Petition, including copies of all submitted material, and notification of appointment of the Panel under the Rules, was sent to Mr. Ohad Golan, who was named as Respondent and Holder.
- 3. Due to various technical circumstances, the Panel granted several extensions for resubmission of missing Complaint Attachments and for filing of Response.
- 4. By January 15th, the response and all Attachments were filed. However, it appeared that the Complaint misnamed the Respondent, case being that Gold (Top)

Technologies Ltd. is the actual Registered Holder of the disputed Domain. Therefore the Panel ordered the Parties to refile the pleadings, properly naming Gold(Top) as Respondent. The amended Petition was filed on January 26th, 2015. The Amended Responses was filed on 27th January, 2015. It also contains numerous Exhibits.

5. Soon after the above, due to personal reasons, the original Panel asked to be replaced. On March 8th, the undersigned was appointed as new Sole Panelist, and granted the Parties additional time to oppose Nomination, as per the Rules. Nomination was not contested. Additional extension was required for review of materials and re-submission of missing Annexes. Decision follows herein.

II. Factual Background

- 1. The Complainant, Gigabyte Technology, is a Corporation founded in Taiwan in 1986 and has been publicly held and traded on the Taiwan Stock Exchange since 1996.
- 2. The Complainant specializes in the manufacturing of IT products such as motherboards, graphic cards and other computer hardware, and claims to have developed a reputation as one of the world's leading manufacturers in the field by the 1990's.
- 3. The Petitioner has been using the term GIGABYTE since 1996, and owns various rights, including Trademarks, in the name.
- 4. The Complainant claims to have had a presence in Israel since at least as early as the year 2000, and its "Gigabyte" name is well-known within the PC gamer/PC hardware enthusiast communities of Israel. The **GIGABYTE** mark is registered in Israel and other jurisdictions worldwide for goods and services related to computer hardware.
- 5. The Disputed Domain name was registered on September 10th, 2002.
- 6. The Respondent served as a local reseller or distributor for the Complainant, selling its products in Israel for a certain period of time. The nature and extent of this relationship is somewhat disputed by the Parties.
- 7. The Disputed Domain has been serving the Holder, Gold (Top) Computers and Technologies, for selling computer hardware and services, sporadically at first and then in continuous use since 2004.
- 8. The Parties have conducted some communication in the past by which Petitioner asked Holder to transfer the Disputed Domain to its possession. Description of such interaction is presented by each of the Parties hereinafter.

III. The Parties' Claims

• The Petitioner

- The Petitioner is a leading company in the field of motherboards and computer hardware.
- The Petitioner has maintained business presence in Israel since the year 2000, is well known in the gamer industry, and has been using various international dealers and distributers over the years.
- Petitioner claims that in accordance with the ISOC II-DRP Rules, all the required elements for transfer of the Domain to the Petitioner exist as follows: Disputed Domain is identical or confusingly similar with Petitioner's trademark; Petitioner has rights in the name; Holder has no rights in the name; and Registration and/or use of the Domain are in bad faith. These are all allegedly demonstrated below.
 - i. The term Gigabyte is <u>confusingly similar to the Petitioner's mark</u> GIGABYTE and contains it in its entirety. The term has been registered as a Trademark internationally as early as 1996, including registration in the EU, US and Israel. It is also noted that the Complainant, Gigabyte Technology Co. Ltd, is colloquially referred to by third party media and consumers from all different parts of the world simply as "Gigabyte". Based on the above, use of "Gigabyte" in relation to the sale of computer hardware goods and services is likely to cause consumer confusion as to the source of the goods.
 - ii. The <u>Petitioner has rights in the name</u>. Petitioner claims that The "Gigabyte" mark is prominently displayed on all of its products. These products are well known to the public, and receive extensive review in various websites demonstrating that Gigabyte already had a substantial following in the PC gamer/PC hardware enthusiast communities of Israel by that time. In addition, Gigabyte has registered more than 140 domain names in the world, incorporating the term "gigabyte".
 - iii. Respondent has no rights in the name. Complainant claims that the Respondent is holding the Domain which includes the Complainants mark, without any right to do so. To the best of the Complainants knowledge, the Respondent has no registered trademarks that are or contain the word "Gigabyte". The Respondent has registered a business with the English name of "Gigabyte Systems", but Complainant claims that this registration was carried out without permission from or the knowledge of the Complainant. In addition, the Complainant's presence in Israel

dates to at least as early as 2000, which precedes the formation of the "Gigabyte Systems" entity in 2007. Therefore, the Complainant's rights in "Gigabyte" supersede that of the Respondent due to prior use in Israel.

- iv. Respondent has <u>registered and has been using the Domain in Bad</u>
 <u>Faith.</u> Complainant bases his claim on two causes:
 - a. <u>Unreasonable Compensation Demand</u> The Petitioner requested transfer of the Domain to its alleged rightful owner. In return, the Respondent requested a sum of US \$240,555, which the Complainant finds to be completely unacceptable and irrelevant. The Petitioner refutes the relevance of any such costs or expenses to the Respondents alleged rights in the Domain, claiming that they strongly indicate that the Respondent holds the Domain Name primarily for the purpose of selling....the Domain Name allocation to the Complainant (Rule B.4(c)).
 - b. <u>Duplicate Websites</u> The Respondent owns and operates a website on a different domain that is essentially identical to the website on the Subject Domain. Complainant claims that there is no justification for maintaining duplicate operational web sites other than for a clear attempt to attract, for commercial gain, internet users to its website by creating a likelihood of confusion with the Complainant's Name.
- In light of all of the above, the Complainant request that the Domain be transferred back to the Complainant.

• The Respondent

The Respondent submitted a Response with the following contentions:

- Since 1998, the Respondent has been in the business of assembling, processing and selling third party computers, computer peripheral equipment and parts. For over 12 years, the Respondent has been distributing the Complainants products in Israel.
- As part of its business strategy, Gold Top applied for registration of the Domain, and has been using it for its business sporadically at first and continuously since 2004.
- Respondent claims that the Petitioner has failed to meet the cumulative terms of the burden of proof required by the IL-DRP Rules, and therefore the Petition should be denied, as specified herein:
 - i. Name is **Not** Confusingly Similar to a Name in which the Petitioner has Rights Respondent claims that the Registered

Domain is not confusingly similar to the Petitioner's Mark. First claim is that prior to Registration of the Domain, the Petitioner only enjoyed rights in the Composite Mark registered in 1998, consisting of the term "Gigabyte" and a "G" logo. Respondent claims that the Mark itself is not identical due to the additional component ("G"), and that the "Gigabyte" component is highly descriptive and therefore has no distinctive power in the field of computer hardware. In addition, Respondent claims that the Petitioner's stylized Mark is not confusingly similar since it has a very narrow scope of protection, refers to a highly descriptive term, and in any event was registered only after the Domain Registration date.

- ii. Respondent has Legitimate Rights in the Name the Respondent claims to have been running a legitimate business in the field of computer hardware, under the Domain, since its registration in 2002. The Respondent provides web-activity evidence that during the years 2003-2005, the Complainant identified the Holder as its Distributor in Israel, and provided direct links to the Domain held by the Respondent from its own Taiwan based web site. This indicates that not only did the Petitioner know about the Domain being held by the Respondent, but also promoted it. It is also noted by Respondent that the Domain serves as an active and independent commercial website.
- iii. Domain was Neither Registered nor Held in Bad Faith the Respondent claims that the Complainant has not met the required legal burden indicating Bad Faith, and that none of the prima facie indicators of bad faith as listed in the Rules, have been supported. The Respondent has been running a legitimate on-line business at this Domain, and this alone may constitute a clear counter-indicator of any claim of holding or registering in bad faith. Without specification regarding some of the circumstances for each of these cases, the Respondent rules out the applicability of most of the indicators, and specifically addresses only the Petitioner's two specific claims allegedly indicating bad faith. These are: the amount of consideration sought by Gold Top, which was presented as a legitimate business claim, and the operation of two commercial websites, which were described by Respondent as two justifiable business operations, which are distinctly different from the Complainants website. Respondent also mentions that the Complainant's delay in bringing forth its claim, while it was aware of the Holder's activity, is of itself an indicator of belief of holding in good faith.

IV. Discussion – Grounds for Decision

- 1. The IL-DRP, as an alternative dispute resolution procedure, includes a set of guidelines by which conflicts must be analyzed.
- 2. In order for a case to be brought before a II-DRP Panel, the Petitioner must show that certain grounds exist. According to section 3 of the IL-DRP Rules, Disputes regarding allocation of a Domain Name by a Holder may be brought by a third party on the following grounds:
 - 3.1. the Domain Name is the same or confusingly similar to a trademark, trade name, registered company name or legal entity registration ("Name") of the complainant; and
 - 3.2. the Complainant has rights in the Name; and
 - 3.3. the Holder has no rights in the Name; and
 - 3.4. the application for allocation of the Domain Name was made or the Domain Name was used in bad faith.
- 3. Each of the claims above needs to be well established by Petitioner. Following is an analysis of each based on the materials brought before and made available to the Panel.

a. Name is Same or Confusingly Similar

- The requirement in the Rules is that "the Domain Name is the same or confusingly similar to a trademark, trade name, registered company name or legal entity registration ("Name") of the complainant".
- The Disputed Domain consists of the term "gigabyte" and of the suffix "co.il".
- It has been previously ruled that the suffix "co.il" is to be disregarded for the purpose of determining similarity of a Domain to a Registered Mark, since it is a common suffix indicating that the domain is registered as a commercial Israeli website (see for example ISOC II-DRP case in the matter of <Crayola.co.il>).
- Therefore the question remains whether the term "GIGABYTE" is the same or confusingly similar to a name or mark of the Petitioner.
- The Petitioner provided an extensive list of Trademark Registrations worldwide, applications dating as far back as 1996. These include both Composite Marks, consisting of a word and a symbol (a form of the letter "G"), as well as Stylized Word marks. Trademark protection extends from the US, to EU, to Israel, and nearly 100 other countries, including both types of Mark registration. These provide prima facie similarity to the Registered Domain.
- Respondent points out that the original Registration of the composite mark contains a disclaimer by which: "no claim is made to the exclusive right to use "gigabyte" apart from the mark as shown", and therefore similarity does

not arise due to the general descriptive nature of the term. However, Panel notes that this disclaimer appears on the original Trademark Registration dating as far back as 1996. According to Section 1056 (b) of Title 15 of the U.S. Code:

"b) No disclaimer, including those made under subsection (e) of section 1057 of this title, shall prejudice or affect the applicant's or registrant's rights then existing or thereafter arising in the disclaimed matter, or his right of registration on another application if the disclaimed matter be or shall have become distinctive of his goods or services." (emphasis added – LF)

Thereby, it will be noted that in a later Trademark Registration of the term "Gigabyte", in 2008, this disclaimer does not appear. Hence it appears that in the timeframe between the original registration and the following application, the Complainant has gained distinctive meaning in the term "gigabyte". Based on the additional annexes submitted by the Respondent, describing additional trademark registration, domain name registration and common public acceptance and familiarity with the name "gigabyte" (through web sites, articles and various publications) and by establishing how well recognized the term has become over the years, and closely associated with the Petitioner in the field of Computer hardware and gaming – the Term "GIGABYTE" has clearly become distinctive and well associated with the Petitioner. It appears that the abovementioned disclaimer became irrelevant following the early Trademark Registration (1997) – and this shall not affect the distinctive nature of the term "GIGABYTE" in the computer hardware field.

Though there is no clear answer to the question at what point exactly did the Complainant acquire distinctiveness in the term, this information is not necessary in order to ascertain similarity. Ass mentioned in the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, S2nd Edition, the consensus view is that:

"Registration of a domain name before a complainant acquires trademark rights in a name does not prevent a finding of identity or confusing similarity under the UDRP. The UDRP makes no specific reference to the date on which the holder of the trademark or service mark acquired rights."

The same applies to the matter at hand under the II-DRP.

Relevant indication can also be observed in a similar Domain Name Petition (which was denied by the Panel), **Giga-Byte Technology Co. Ltd. v. Alan Coughlin**, (Case No. D2005-1229).

"Complainant has established that, when it filed this Complaint, it had rights in the stylized registered trademark GIGABYTE (with a disclaimer as to the exclusive use of that word) and in the stylized registered trademark GIGABYTE TECHNOLOGY (with a disclaimer as to the word Technology). The former is insufficient proof of trademark rights because the existence of a disclaimer means that Complainant did not prove to the U.S. Patent and Trademark Office that the disclaimed word, "gigabyte" was a distinctive mark (as contrasted with a generic or merely descriptive mark). **That**

potential obstacle was overcome in the second registration, which has no disclaimer of the word "gigabyte". Accordingly, the GIGABYTE TECHNOLOGY registration is sufficient to establish trademark rights in the mark GIGABYTE for the purposes of the first element." (emphasis added-LF)

• Regarding the Composite Mark registered by the Complainant prior to the Domain Registration, and consisting of the letter "G" along with the term "Gigabyte" – the Respondent claims that "a trademark must be taken in its entirety when comparing it to a domain name. Based on such comparison, it is clear that there is no confusion". This claim is irrelevant, as noted in the WIPO Overview of Panel views on Selected UDRP Questions, http://www.wipo.int/amc/en/domains/search/overview2.0/#111):

"Also, as figurative, stylized or design elements in a trademark are generally incapable of representation in a domain name, such elements are typically disregarded for the purpose of assessing identity or confusing similarity...".

This claim applies, of course to the stylized component of the Domain as well.

On slightly different grounds, a similar conclusion was reached regarding the relevance of non-significant components of a Domain Name, by the Panel in the Il-DRP case regarding the Domain "skypeisrael.co.il", where Panel found that:

"Previous UDRP panels have ruled that the mere addition of a non-significant element does not sufficiently differentiate the domain name from the registered trademark: "The incorporation of a trademark in its entirety is sufficient to establish that a domain name is identical or confusingly similar to the Complainant's registered mark" (Britannia Building Society v. Britannia Fraud Prevention, WIPO Case No. D2001-0505)".

Thus, the above discussion is sufficient in establishing that **the Domain is confusingly similar** to the Trademark that is fully incorporated in it, and therefore the first requirement under the rules is fulfilled.

b. Complainant has Rights in Name

• The Petitioner has presented multiple examples of Trademark Registrations of several marks which all include the term "gigabyte" in its entirety. It has been established that the term "gigabyte" is similar or identical to the Petitioner's rights. These trademarks have been registered in many jurisdictions, and initial registration dates back as far as 1996, when the Complainant began registering trademark rights in the

Composite GIGABYTE mark, in the US, EU, Taiwan, China, etc. and has registered many international marks since. As mentioned – the term is identical to the domain, since the additional element must be disregarded as it is not relevant to Domain name registration. (as also demonstrated in

various WIPO decisions, for example Sweeps Vacuum & Repair Center, Inc. v. Nett Corp., WIPO Case No.D2001-0031, in which the Panel stated that:

"graphic elements, such as the Sweeps design, not being reproducible in a domain name, need not be considered when assessing identity or confusing similarity".

- Respondent tried refuting existence of Petitioner's right based on the
 existence of an early US Registration disclaimer as to the distinctiveness
 of the term. As discussed above this claim can be overridden by later
 registration of the same Term, indicating acquired distinctiveness. No
 evidence has been brought regarding limitations or disclaimers regarding
 the additional early international Trademark Registrations.
- Petitioner has also provided indications of use of the term "Gigabyte" in Israel referring to the Petitioner's products, indicating distinct use of the term "Gigabyte" within the computer and gamer markets, including specific Israeli presence, as early as 2000.

From all of the above it is evident that the **Petitioner has sufficiently established its rights in the Disputed Domain**, without need to address any other claims presented by the Parties, thus fulfilling the second requirement of the Rules.

c. Respondent has no Rights in Name

In order to obtain transfer of a disputed Domain, the Complainant must establish that the Respondent has no rights in the disputed Domain.

From the information brought before the Panel, the following is evident:

- (1) The parties do not contend the fact that at least during the year 2002, the Respondent purchased the Complainant's products for **Reselling** in Israel. According to an archive screenshot of the Complainants' website at the time, it listed the Respondent as **one of its distributors** in Israel, and even allowed consumers to be redirected from the Petitioner's site to the Respondents' web site at the disputed Domain.
- (2) It was during the year 2002 that the Respondent registered the Domain, coinciding with the abovementioned re-selling service provided at the time by the Respondent.
- (3) In a correspondence dated Sept. 2010, as submitted by the Petitioner to the Panel, the in-house Counsel for the Petitioner approaches the Respondent and states the following:

"In a nutshell, this domain name was registered by your company to promote Gigabyte's products and brand awareness".

The counsel adds that:

"To comply with the company policy and to be able to constantly update the creative contents of the website, we would appreciate if

you can provide the necessary assistance to transfer the domain name back to us".

This clearly indicates that the Petitioner recognizes the Respondent's intent to promote the Petitioner's products. The Petitioner accepts the Respondent had a legitimate right in registering the Domain at the time of Registration. Let it be noted that this letter was sent in 2010, years after the original Registration, yet the Petitioner Representative still accepts that the Respondent had a role in promoting Petitioner products, and therefore had right in using, and registering, the Domain.

In the ICANN case in the matter of <Okidataparts.com> (Oki Data Americas, Inc. v. ASD, Inc., WIPO Case No.D2001-0903 – in which Complaint was denied), the Panel found that a Reseller may have bona fide rights in a name, if the following conditions are fulfilled:

- (1) "The Respondent must actually be offering the goods or services at issue.
- (2) The site must accurately disclose the registrant's relationship with the trademark owner;
- (3) The Respondent must not try to corner the market in all domain names, thus depriving the trademark owner of reflecting its own mark in a domain name.
- (4) Respondent must use the site to sell only the trademarked goods; otherwise, it could be using the trademark to bait Internet users and then switch them to other goods."

In the case at hand, it appears that the first 3 requirements are clearly fulfilled. As for the fourth requirement, the Panel finds that under the circumstances in which the Website made it clear that it is an authorized dealer of the Complainant, and since the Complainant itself was aware of the existence of this web site and **allows a direct link to it**, this requirement is less significant, and is overruled by the specific relationship between the Complainant and the Respondent. As decided by the Panel in the abovementioned case:

"Complainant has not presented any other evidence that undermines the bona fides of Respondent's use. Accordingly, the Panel finds that the Respondent, as an authorized sales and repair dealer for Complainant's goods, has a legitimate interest (under the Policy) in using the Domain Name to reflect and promote that fact."

Similar circumstances and conclusion can also be found in the II-DRP Panel Decision in the matter of *Geovision Inc.* v. *Mr. Benny Meringer*, as follows:

"However, this evidence is not sufficient to raise the burden of proof, as the following attest the Respondent does have some rights in the Disputed Name:

- a. The Respondent has been marketing the Complainant's product for over 10 years, some of them as an official distributor the Complainant.
- b. The Complainant was aware of the Disputed Domain's registration by the Respondent."

Based on the above, it is clear that the **Respondent** <u>does have</u> at least some legitimate rights in the Disputed Domain, and therefore the third requirement of the Rules is not fulfilled.

d. Registration or Holding in Bad Faith

As mentioned above, all four requirements of section 3 of the II-DRP Rules must be fulfilled in order to bring forth a claim against a Domain Registration. As concluded above, the Petitioner did not clearly establish the third condition requiring that the Holder have no rights in the Domain, and therefore there are not sufficient grounds for the claim.

Though not necessary, we will address the relevant claims presented by the Parties and discuss the applicability of the fourth requirement, that "the application for allocation of the Domain Name was made or the Domain Name was used in bad faith", which is also not fulfilled in this case.

Of the relevant circumstances which constitute evidence of registration or use in bad faith, as listed in Section 3 of the Rules, the Petitioner addresses mainly two arguments allegedly depicting bad faith. We shall address these as follows:

(1) Request of an allegedly unreasonable sum in return for transfer of the Domain:

Panel finds that this cause is not indicative of bad faith under the specific circumstances, as follows:

- The Respondent has been operating an active website under the said Domain.
- It is not clear when exactly the Petitioner knew of the existence of this website but the Petitioner acknowledged, in an email correspondence, the Respondent's bona fide cause for registration ("to promote Gigabyte Products"). As already discussed by a WIPO Panel discussing the Domain <gigabyte.com> in Giga-Byte Technology Co. Ltd. v. Alan Coughlin, (Case No. D2005-1229), it has been concluded that:

"Where, however, there is evidence (as in this case) that the domain name was registered for a permissible purpose, it must be weighed against any evidence of bad faith registration constituted by evidence of bad faith use within 4(b)(iv)."

• The Respondent had no initial intention of transferring the Domain. It has been operating a Bona Fide web operation of the Domain and did not attempt to sell it to the Petitioner. Ie – the Respondent has evidently not "requested allocation or holds the Domain Name primarily for the purpose of selling" – as required by the Rules as an indication of Bad Faith. It was the Petitioner who came up with various offers, and even suggested in a correspondence that the Parties will jointly contribute to the content of the Domain (specifically: "we can discuss a possibility of signing a domain transfer agreement whereby you agree to transfer the domain to us while both your company and Gigabyte can jointly contribute to the content of the website.")

As stated by a WIPO Panel:

"As the Respondent has shown, the Complainant is the one that has contacted the Respondent in this respect, and continuously for a long time. A domain name holder is, in such situation, free to reply to the interested buyer with a specific price that is suitable for the Respondent."

Kampmann GmbH v. Powernation ApS Case No. D2014-0677

• Finally - the sum of US \$240,555 for transfer of the Domain as requested by the Respondent in response to Petitioner's offer to buy said rights, is a significantly high amount for the cost of a Domain. However, it is evident that the Respondent has been running an active business from the website, and he presents an allegedly satisfactory explanation for this amount based on various relevant components (advertising, web set up, future losses etc.) As concluded above, the Petitioner itself recognizes that the Domain was registered and maintained, at least initially, in order to promote the Petitioner's products. Any request to transfer this Domain will result in immediate expenses to him in shifting his business to a different Domain and creating new customer awareness. Therefore, such request may not seem unreasonable or indicative of bad faith.

As stated in "Gold Coast Tourism Corporation Ltd. v. Digimedia.com L.P., Case No. D2013-1733: "Such evidence may be relevant where it demonstrates a bad faith intention. This does not mean that any offer to sell a disputed domain name for an amount a complainant considers "excessive" (however that might be defined) would be evidence of bad faith."

The above discussion indicates that the Respondents behavior does not amount to Registration or Use in Bad Faith.

(2) The existence of duplicate web sites – the Petitioner claims that the Holder operates two highly similar websites, providing almost identical services, and therefore concludes that the only reason for such conduct may be creating a likelihood of confusion with the Complainant's Name as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location. However, it has been made evident that both websites have been independently active over the years, they are separate and distinct, and are not identical to the Complainant's web site. Neither web site presumes to be a formal representative of the Complainant, but merely provides sales and services of various products, including those of the Complainant.

As mentioned by the WIPO Panel re <okidataparts.com>: "It is important to keep in mind that the Policy was designed to prevent the extortionate behavior commonly known as cybersquatting". Therefore, clear indication of bad faith may present grounds for transfer of a Domain from a Holder to a Complainant. But bona fide use of a Domain by a Holder can undermine claims of bad faith

Therefore the Panel concludes that the behavior of the Respondent **does not constitute Bad Faith** under the specific given circumstances.

V. Decision

- 1. In light of all of the above, Panel finds that the Disputed Domain is confusingly similar to Trademarks of the Petitioner, and the Petitioner has rights in the Name. However, it has not been clearly established that the Respondent has no rights in the Name, nor that the Respondent acted in bad faith in registering and in holding the Domain.
- 2. Therefore, the Panel concludes, in accordance with the Rules, that the Petition is DENIED and the Disputed Domain shall not be transferred to the Petitioner.

Date: October 10th, 2015

Leehee Feldman , Adv. Sole Panelist

13