

ADMINISTRATIVE PANEL DECISION

Vue Entertainment Holdings (UK) Limited v. Xiansheng Chen
Case No. D2022-4685

1. The Parties

The Complainant is Vue Entertainment Holdings (UK) Limited, United Kingdom (“UK”), represented by Bird & Bird LLP, UK.

The Respondent is Xiansheng Chen, Singapore.

2. The Domain Name and Registrar

The disputed domain name <m-vue.com> (the “Domain Name”) is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 7, 2022. On December 7, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On December 12, 2022, the Registrar transmitted by email to the Center its verification response disclosing the name of the registrant and contact information for the Domain Name which before had been listed as “unknown”. The Center sent an email communication to the Complainant on December 9, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on December 12, 2022.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on December 22, 2022. In accordance with the Rules, paragraph 5, the due date for Response was January 11, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 16, 2023.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on February 1, 2023. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and

Declaration of Impartiality and Independence, as required to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is a group of cinema operators with over 220 sites and 1,997 screens in total, present in in many countries including the UK, Ireland, Germany, Denmark, the Netherlands, Italy, Poland, Lithuania and Taiwan, Province of China.

The Complainant owns trademark registrations for VUE in at least 33 countries, including for example UK trademark registration UK00912455549 registered September 18, 2015. The Complainant also owns domain names, such as <myvue.com> and <vue-international.com>.

According to the Complaint, the Domain Name was registered on July 4, 2022. At the time of the Complaint, the Domain Name redirected to a webpage with gambling and pornographic material. At the time of drafting the Decision, the Domain Name redirected to an error page.

5. Parties' Contentions

A. Complainant

The Complainant provides evidence of trademark registrations and argues that the addition of "m-" to the Complainant's trademark does not prevent a finding of confusing similarity. Moreover, the Domain Name is almost identical to the Complainant's domain name <myvue.com>.

The Complainant asserts that the Respondent is not authorized to use the Complainant's trademark. The Respondent has not been known by the Domain Name. The Respondent cannot establish rights in the Domain Name. The Respondent has not made any use of, or demonstrable preparations to use, the Domain Name in connection with a *bona fide* offering of goods or services. The Respondent has used the Domain Name for a website with gambling and pornographic material.

The Complainant argues, *inter alia*, that the Respondent must have known of the Complainant and its trademark, as the Complainant's trademark is well known and distinctive. The Respondent has intentionally attempted to attract, for monetary gain, Internet users to the Respondent website by creating a likelihood of confusion with the Complainant's trademark. The Respondent has no credible reason for incorporating the Complainant's trademark into the Domain Name, other than to take advantage of the Complainant's reputation and goodwill. The nature of content at the Respondent's website is further evidence of bad faith. Likewise, the fact that a number of complaints have been filed against the Respondent under the UDRP between in the period 2020-2022.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has established that it has rights to the trademark VUE. The test for confusing similarity involves a comparison between the trademark and the Domain Name. The Domain Name incorporates the Complainant's trademark, with the prefix "m-". This addition does not prevent a finding of confusing similarity between the Domain Name and the trademark.

For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain (“gTLD”), see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.11.1.

The Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant has made unrebutted assertions that it has not granted any authorization to the Respondent to register the Domain Name containing the Complainant’s trademark or otherwise make use of the Complainant’s mark. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired unregistered trademark rights. The Respondent has not made use of, or demonstrable preparations to use, the Domain Name in connection with a *bona fide* offering. The Respondent’s use of the Domain Name is not *bona fide*, but rather evidence of bad faith, see below.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds it evident from the composition of the Domain Name and the Respondent’s use of the Domain Name that the Respondent must have been aware of the Complainant and its trademark when the Respondent registered the Domain Name. The Respondent’s use of the Domain Name is clear evidence of bad faith use, as is the fact that the Respondent appears to be a serial cybersquatter on the losing end of several UDRP disputes (see, for example, *Télévision Française 1 v. Domain Administrator / chen xiansheng, Chenxiansheng*, WIPO Case No. [D2022-2472](#); and *Centre National D’art et de Culture Georges Pompidou v. Whois Privacy Protection Service by onamae.com / xiansheng chen, chenxiansheng*, WIPO Case No. [D2022-1207](#)).

For the reasons set out above, the Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of paragraph 4(a)(iii) of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the Domain Name <m-vue.com> be transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: February 15, 2023