

## **ADMINISTRATIVE PANEL DECISION**

Lenovo (Beijing) Limited v. Taha Abdollah  
Case No. D2024-3911

### **1. The Parties**

Complainant is Lenovo (Beijing) Limited, China, represented by Neal, Gerber & Eisenberg LLP, United States of America.

Respondent is Taha Abdollah, China and Germany.

### **2. The Domain Name and Registrar**

The disputed domain name <lenovo.tech> is registered with West263 International Limited (the “Registrar”).

### **3. Procedural History**

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on September 24, 2024. On September 25, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 26, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (West263 International Ltd. d/b/a West.xyz) and contact information in the Complaint. The Center sent an email communication to Complainant on October 1, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint in English on October 4, 2024.

On October 1, 2024 the Center informed the parties in Chinese and English, that the language of the registration agreement for the disputed domain name is Chinese. On October 4, 2024, Complainant requested English to be the language of the proceeding. Respondent did not submit any comment on Complainant’s submission.

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 Respondent of the Complaint in English and Chinese, and the proceedings commenced on October 7, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 27, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on October 28, 2024.

The Center appointed Yijun Tian as the sole panelist in this matter on November 7, 2024. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

#### **4. Factual Background**

##### **A. Complainant**

Complainant, Lenovo (Beijing) Limited, is a company incorporated in Beijing, China. It is a leading global technology company and one of the fastest-growing personal computer manufacturers, with a presence in over 160 countries.

Complainant has rights in the LENOVO marks. Complainant is the owner of numerous LENOVO trademarks worldwide, including Chinese Trademark Registration No. 3368147 for the LENOVO logo, registered on March 14, 2004; International Trademark Registration No. 855149 for the LENOVO mark, registered on March 30, 2005; and International Trademark Registration No. 1299513 for the LENOVO word mark including designation in China, registered on September 29, 2015 (Exhibit 2 to the Complaint; see also *Lenovo (Beijing) Ltd. v. DotMedia Limited*, WIPO Case No. [D2020-3090](#)).

Complainant also operates domain names that contain the LENOVO mark in its entirety, such as <lenovo.com> (registered on September 6, 2002) (Exhibit 5 to the Complaint).

##### **B. Respondent**

Respondent is Taha Abdollah, China and Germany.

The disputed domain name <lenovo.tech> was registered on July 20, 2024.

According to the Complaint and relevant evidence provided by Complainant, the disputed domain name was redirected to a "Dan.com" webpage where the disputed domain name is offered for sale for USD 1,210 (Exhibit 7 to the Complaint).

#### **5. Parties' Contentions**

##### **A. Complainant**

Complainant contends that the disputed domain name is confusingly similar to Complainant's trademark. The disputed domain name incorporates Complainant's trademark in its entirety. The mere addition of the generic Top-Level Domain ("gTLD") ".tech" does not distinguish the disputed domain name from the trademark LENOVO.

Complainant contends that Respondent has no legitimate interests in the disputed domain name.

Complainant contends that the disputed domain name was registered and is being used in bad faith.

Complainant requests that the disputed domain name be transferred to it.

## B. Respondent

Respondent did not reply to Complainant's contentions.

## 6. Discussion and Findings

### 6.1. Language of the Proceeding

The language of the Registration Agreement for the disputed domain name <lenovo.tech> is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

From the evidence presented on the record, no agreement appears to have been entered into between Complainant and Respondent to the effect that the language of the proceeding should be English. Complainant filed initially its Complaint and amended Complaints in English, and has requested that English be the language of the proceeding for the following reasons:

- (a) Complainant's primary language is not Chinese, and the disputed domain name incorporates Complainant's trademark LENOVO along with the English gTLD ".tech."
- (b) Respondent's address of record is in Germany, not China.
- (c) Respondent has previously participated in UDRP proceedings conducted in English and demonstrated an ability to communicate in English.
- (d) English is the most suitable and fair language for the instant proceeding. This designation would ensure procedural efficiency, fairness, and alignment with prior UDRP precedents.

Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

On the record, Respondent appears to be located in China or alternatively in Germany and thus presumably not a native English speaker, but considering the following aspects, the Panel has decided that the language of the proceeding shall be English: (a) the disputed domain name is registered in Latin characters, particularly in English (e.g., English word "tech" (abbreviation of the English word "technology"), rather than Chinese script; (b) the gTLD of the disputed domain name is ".tech", so the disputed domain name seems to be prepared for users worldwide, particularly English speaking countries; (c) the webpages to which the disputed domain name resolves are in the English language (Exhibit 7 to the Complaint); (d) the Center has notified Respondent of the language of the proceeding in both Chinese and English; (e) the Center also notified Respondent in both Chinese and English of the Complaint, and informed Respondent that it would accept a response in either English or Chinese, but Respondent chose not to file any response.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

## **6.2 Substantive Issues: Three Elements**

### **A. Identical or Confusingly Similar**

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between Complainant's trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, the Panel finds Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the entirety of the LENOVO mark is reproduced within the disputed domain name. More specifically, accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, the Panel finds the first element of the Policy has been established.

### **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy provides a list of circumstances in which Respondent may demonstrate rights or legitimate interests in a disputed domain name.

While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognised that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

More specifically,

(i) there has been no evidence adduced to show that Respondent used the disputed domain name in connection with a bona fide offering of goods or services. Respondent has not provided evidence of reasons to justify the choice of the term "lenovo", Complainant's LENOVO trademark, in the disputed domain name. There has been no evidence to show that Complainant has licensed or otherwise permitted Respondent to use the LENOVO or to apply for or use any domain name incorporating the LENOVO marks;

(ii) there has been no evidence adduced to show that Respondent has been commonly known by the disputed domain name. There has been no evidence adduced to show that Respondent has any registered trademark rights with respect to the disputed domain name. Respondent registered the disputed domain name in 2024, long after the LENOVO marks became widely known. The disputed domain name is identical to Complainant's LENOVO marks; and

(iii) there has been no evidence adduced to show that Respondent was making a legitimate noncommercial or fair use of the disputed domain name. By contrast, the disputed domain name resolved to a "Dan.com" webpage where the disputed domain name is offered for sale for USD 1,210 (Exhibit 7 to the Complaint).

Furthermore, the Panel notes that the composition of the disputed domain name carries a high risk of implied affiliation with Complainant. [WIPO Overview 3.0](#), section 2.5.1.

Based on the available record, the Panel finds the second element of the Policy has been established.

### **C. Registered and Used in Bad Faith**

The Panel notes that for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular but without limitation, that if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that Respondent has registered and used the disputed domain name in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Based on the information provided by Complainant, the Panel finds that Complainant has a widespread reputation in the LENOVO marks with regard to its products and services. It is not conceivable that Respondent would not have had Complainant's trademark in mind at the time of the registration of the disputed domain name (in 2024). This has been reinforced by the fact that the disputed domain name is identical to Complainant's LENOVO trademark.

Respondent has used the websites redirected by the disputed domain name for offering the disputed domain name for sale for USD 1,210.

Thus, the Panel concludes that Respondent's registration and use of the disputed domain name is primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name to Complainant or to a competitor of Complainant, for valuable consideration likely in excess of the documented out-of-pocket costs directly related to the disputed domain name. Such use constitutes bad faith pursuant to paragraph 4(b)(i) of the Policy.

Based on the available record, the Panel finds the third element of the Policy has been established.

## **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 disputed domain name <lenovo.tech> be transferred to Complainant.

*/Yijun Tian/*

**Yijun Tian**

Sole Panelist

Date: November 27, 2024