

## **ADMINISTRATIVE PANEL DECISION**

Ngân Hàng Thương Mại Cổ Phần Kỹ Thương Việt Nam (TECHCOMBANK)  
v. Võ Huỳnh Quốc Việt  
Case No. D2025-0488

### **1. The Parties**

The Complainant is Ngân Hàng Thương Mại Cổ Phần Kỹ Thương Việt Nam (TECHCOMBANK), Viet Nam, represented by IPMAX Law Firm, Viet Nam.

The Respondent is Võ Huỳnh Quốc Việt, Viet Nam.

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

The disputed domain name <techcombankvn.com> is registered with Nhan Hoa Software Company Ltd. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed<sup>1</sup> with the WIPO Arbitration and Mediation Center (the “Center”) on February 6, 2025. On February 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 8 and February 14, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the 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 February 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 11, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 12, 2025. Due to an apparent

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<sup>1</sup> The Complaint was filed in Vietnamese and the language of the Registration Agreement is Vietnamese; however, in the circumstances of this case, the Panel has rendered the Decision in English.

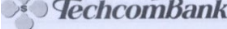

issue with the notification, on March 19, 2025, the Respondent was given until March 29, 2025 to indicate whether the Respondent would like to participate in the proceeding. No communication was received from the Respondent. The Center confirmed the Respondent default on March 31, 2025.

The Center appointed Anita Gerewal as the sole panelist in this matter on April 8, 2025. 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

The Complainant is a joint stock commercial bank of Viet Nam, headquartered in Hanoi, Viet Nam, established in 1993. The Complainant's total operating income reached VND 37.4 trillion, with profit before tax reaching VND 22.8 trillion in 2024. As of 2023, the Complainant has over 12,000 employees with two head offices, two representative offices, and 301 transaction points in Viet Nam, servicing over 13.4 million customers.

The Complainant is the owner of numerous trademark registrations in various jurisdictions including Viet Nam. The Complainant owns inter alia the following registered trademarks for the TECHCOMBANK mark:

- Vietnamese trademark registration number 55953 for  mark in class 36, registered on July 29, 2004;
- Vietnamese trademark registration number 135206 for TECHCOMBANK mark in classes 35 and 36, registered on April 3, 2008;
- Vietnamese trademark registration number 187323 for TECHCOMBANK word mark in class 36, registered on June 28, 2012;
- International trademark registration number 1124762 for TECHCOMBANK  in class 36, registered on February 3, 2012.

The Complainant operates its website at "www.techcombank.com".

The disputed domain name was registered on January 16, 2025. At the time of filing of the Complaint and of this Decision, the disputed domain name resolves to an inactive or error page.

#### 5. Parties' Contentions

##### A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the Complainant's mark TECHCOMBANK has been in continuous use since 1993 and has become well-known among both Vietnamese citizens and foreign visitors utilizing financial services in Viet Nam. It is legally protected under the Vietnamese law. The disputed domain name is almost identical to the Complainant's trademark and trade name. The ".com" suffix is a generic Top-Level Domain and does not serve to distinguish the disputed domain name, while the "vn" component is commonly understood as an abbreviation for Viet Nam.

The Complainant asserts that the Respondent holds no rights or legitimate interests in the disputed domain name, as there is no legal affiliation between the Respondent and the Complainant's trademark and trade name. The Complainant has not authorized the Respondent to register or use its trademark and trade name in any manner, including through the registration of the disputed domain name. There is no evidence that the Respondent is commonly known to the public by the disputed domain name, nor is there any indication that the disputed domain name has been used for any legitimate, noncommercial, or lawful purposes.

The Complainant further contends that the Respondent has registered and is holding the disputed domain name in bad faith, as evidenced by the following:

- 1) The selection of a domain name incorporating elements identical to the Complainant's well-established trademark and trade name is unlikely to be coincidental;
- 2) The Complainant's trademark has been in continuous and widespread use since 1993, and is well known among Vietnamese consumers, long before the disputed domain name was registered in 2025;
- 3) The Complainant's trade name has been officially recorded in its Business Registration Certificate since 1993, also predating the registration of the disputed domain name by decades;
- 4) Given the longstanding and extensive use of the Complainant's trademark and trade name, and considering that the Respondent is located in Viet Nam, it is implausible that the Respondent was unaware of the Complainant or its rights. The inclusion of the Complainant's entire trademark and trade name within the disputed domain name further indicates that its registration was not accidental;
- 5) The Complainant, as a major financial institution in Viet Nam, its trademark and trade name are widely recognized. It is therefore reasonable to conclude that the Respondent, a party based in Viet Nam, would have been aware of the Complainant's reputation and rights.
- 6) Even if the Respondent claims the non-use of the disputed domain name, such non-use does not prevent the bad faith inherent in the initial registration and passive holding of the disputed domain name.

## **B. Respondent**

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

## **6. Discussion and Findings**

According to paragraph 4(a) of the Policy, in order to succeed, the Complainant must establish each of the following elements:

- (i) The disputed domain name is identical or confusingly similar to the trademark or service mark in which the Complainant has rights;
- (ii) The Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) The disputed domain name has been registered and is being used in bad faith.

### **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 the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 1.7.

The Complainant has shown rights in respect of the TECHCOMBANK trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the TECHCOMBANK mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "vn" may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult 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 (although the burden of proof always remains on the complainant). 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 available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant has asserted that the Respondent has no connection or affiliation with the Complainant nor has it consented to the Respondent's use of the disputed domain name, which incorporates the Complainant's trademark in its entirety. The Respondent has not rebutted the 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.

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

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.

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.

In the present case, the disputed domain name contains the Complainant's well-known trademark in its entirety, and merely adds the term, “vn”, which can be considered as an abbreviation of the geographical location where the Complainant operates and where its main customer base is, i.e., Viet Nam. Further, the disputed domain name resolves to an inactive page.

The Panel finds that the Respondent's conduct supports a clear inference of bad faith registration and use. Both the Complainant and the Respondent are located within the same jurisdiction, which increases the likelihood that the Respondent was aware of the Complainant and its trademark rights at the time of registering the disputed domain name. Given the local proximity and the notoriety of the Complainant's mark within that jurisdiction, it is reasonable to conclude that the Respondent ought to have known of the Complainant's rights. The deliberate choice to register a domain name identical or confusingly similar to the Complainant's distinctive mark under these circumstances suggests that the Respondent intended to capitalize on the Complainant's reputation, which constitutes bad faith under paragraph 4(a)(iii) of the Policy.

At the date of filing of the Complaint and of this Decision, the disputed domain name does not resolve to an active website. Panels have found that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#),

section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, the composition of the disputed domain name, and the lack of the Response from the Respondent, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The Panel finds that the Complainant has established the third element 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 disputed domain name <techcombankvn.com> be transferred to the Complainant.

*/Anita Gerewal/*

**Anita Gerewal**

Sole Panelist

Date: April 22, 2025