

ADMINISTRATIVE PANEL DECISION

Ngân hàng Thương mại Cổ phần Kỹ thương Việt Nam (TECHCOMBANK) v.
Nguyễn Tùng Lâm
Case No. D2025-0060

1. The Parties

Complainant is Ngân hàng Thương mại Cổ phần Kỹ thương Việt Nam (TECHCOMBANK), Viet Nam, represented by IPMAX Law Firm, Viet Nam.

Respondent is Nguyễn Tùng Lâm, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <techcombank.online> (the “Domain Name”) is registered with Nhan Hoa Software Company Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed¹ with the WIPO Arbitration and Mediation Center (the “Center”) on January 6, 2025. On January 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On January 9, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Nhan Hoa Software Company Ltd) and contact information in the Complaint. The Center sent an email communication to Complainant on January 9, 2025, 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 on January 13, 2025.

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”).

¹ 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.

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on January 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 3, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on February 4, 2025.

The Center appointed Kimberley Chen Nobles as the sole panelist in this matter on February 7, 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

Established in 1993, Complainant is a joint stock commercial bank of Viet Nam, headquartered in Hanoi, Viet Nam. With an initial capital of about VND 20 billion, Complainant has grown to achieve a brand value growth rate of 47 percent in 2023, to USD 1.4 billion. It currently 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.

Complainant owns registered trademarks in various jurisdictions for the TECHCOMBANK mark, including:

- Vietnamese registered trademark number 55953 for TECHCOMBANK design and word mark, registered on July 29, 2004; and
- Vietnamese registered trademark number 135206 for TECHCOMBANK design and word mark, registered on April 3, 2008.

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

The Domain Name was registered on December 16, 2024 and at the time of filing of the Complaint, resolved to a website with pay-per-click ("PPC") links to third party websites offering tax, payment, finance, virtual currency investment services, all of which are similar or identical to services provided by Complainant. In particular, the Domain Name resolved to a webpage featuring a banner "TECHCOMBANK.ONLINE" with links to third party websites featuring "Easy Credit Online", "Top 5 Online Banks", and "Online Bank Account with Debit Card".

These third party websites include:

- "https://www.tax-usa.net/", which featured content in English for tax filing, compliance and bookkeeping services;
- "https://stylopay.com", which featured content in English for building credit card payment programs;
- "www.gsfahome.org", which featured English content information regarding down payment and closing cost assistance, mortgage credit certificate and financing services.

At the time of the Decision, the Domain Name resolved to an inactive or error page.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Complainant contends that (i) the Domain Name is identical or confusingly similar to Complainant's trademarks; (ii) Respondent has no rights or legitimate interests in the Domain Name; and (iii) Respondent registered and is using the Domain Name in bad faith.

In particular, Complainant contends that it has trademark registrations for TECHCOMBANK, and that Respondent registered and is using the Domain Name with the intention to confuse Internet users looking for bona fide and well-known TECHCOMBANK products and services.

Complainant notes that it has no affiliation with Respondent, and that Respondent is using the Domain Name as a tool to exploit Complainant's reputation for its own commercial gain, and that Respondent has no rights or legitimate interests in the registration and use of the Domain Name. Further, Complainant contends that Respondent has acted in bad faith in acquiring and setting up the Domain Name, when Respondent clearly knew of Complainant's rights.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name was registered and is being used in bad faith.

Section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)) states that failure to respond to the complainant's contentions would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true.

Thus, although in this case, Respondent has failed to respond to the Complaint, the burden remains with Complainant to establish the three elements of paragraph 4(a) of the Policy by a preponderance of the evidence.

A. Identical or Confusingly Similar

Ownership of a trademark registration is generally sufficient evidence that a complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. See [WIPO Overview 3.0](#), section 1.2.1. Complainant has provided evidence of its rights in the TECHCOMBANK trademarks, as noted above under section 4. Complainant has therefore proven that it has the requisite rights in the TECHCOMBANK trademarks.

With Complainant's rights in the TECHCOMBANK trademarks established, the remaining question under the first element of the Policy is whether the Domain Name, typically disregarding the Top-Level Domain ("TLD") in which it is registered (in this case, ".online"), is identical or confusingly similar to Complainant's trademark. See, e.g., *B & H Foto & Electronics Corp. v. Domains by Proxy, Inc. / Joseph Gross*, WIPO Case No. [D2010-0842](#).

Here, the Domain Name is identical to Complainant's TECHCOMBANK trademarks.

Thus, the Panel finds that Complainant has satisfied the first element of the Policy.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make a prima facie showing that a respondent possesses no rights or legitimate interests in a disputed domain name. See, e.g., *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. [D2008-1393](#). Once a complainant makes out such a prima facie showing, the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with relevant evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.

From the record in this case, it is evident that Respondent was, and is, aware of Complainant and its TECHCOMBANK trademarks, and does not have any rights or legitimate interests in the Domain Name. In addition, Complainant asserts that Respondent is not authorized to promote Complainant's services and is not related to Complainant. Respondent is also not known to be associated with the TECHCOMBANK trademarks and there is no evidence showing that Respondent has been commonly known by the Domain Name.

In addition, Respondent has not used the Domain Name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. Rather, at the time of the filing of the Complaint, the Domain Name resolved to a website that provided third party PPC links to websites offering tax, payment, finance, and virtual currency investment services, all of which are similar or identical to services provided by Complainant.

In particular, the Domain Name resolved to a webpage featuring a banner "TECHCOMBANK.ONLINE" with links to third party websites featuring "Easy Credit Online", "Top 5 Online Banks", and "Online Bank Account with Debit Card".

These third party websites include:

- "<https://www.tax-usa.net/>", which featured content in English for tax filing, compliance and bookkeeping services;
- "<https://stylopay.com/>", which featured content in English for building credit card payment programs;
- "www.gsfahome.org", which featured English content information regarding down payment and closing cost assistance, mortgage credit certificate and financing services.

Such services are in Complainant's field of business, potentially misleading Internet users into thinking that the website has been authorized or operated by or affiliated with Complainant.

Thus, such use by Respondent does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use and cannot under the circumstances confer on Respondent any rights or legitimate interests in the Domain Name.

Moreover, the nature of the Domain Name, identical to Complainant's trademark TECHCOMBANK, is inherently misleading and carries a high risk of implied affiliation. See [WIPO Overview 3.0](#), section 2.5.1.

Accordingly, Complainant has provided evidence supporting its prima facie claim that Respondent lacks any rights or legitimate interests in the Domain Name. Respondent has failed to produce countervailing evidence of any rights or legitimate interests in the Domain Name.

Thus, the Panel concludes that Respondent does not have any rights or legitimate interests in the Domain Name, and Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that Respondent's actions indicate that Respondent registered and is using the Domain Name in bad faith.

Paragraph 4(b) of the Policy provides a non-exhaustive list of circumstances indicating bad faith registration and use on the part of a domain name registrant, namely:

“(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location.”

The Panel finds that Complainant has provided ample evidence to show that registration and use of the TECHCOMBANK trademarks long predate the registration of the Domain Name. Complainant is also well established and known. Indeed, the record shows that Complainant's TECHCOMBANK trademarks and related products and services are widely known and recognized. Therefore, the Panel is of the view of that Respondent was aware of the TECHCOMBANK trademarks when it registered the Domain Name. See [WIPO Overview 3.0](#), section 3.2.2; see also *TTT Moneycorp Limited v. Privacy Gods / Privacy Gods Limited*, WIPO Case No. [D2016-1973](#).

The Panel therefore finds that Respondent's awareness of Complainant's trademark rights at the time of registration suggests bad faith. See *Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz*, WIPO Case No. [D2011-2209](#); *Nintendo of America Inc v. Marco Beijen, Beijen Consulting, Pokemon Fan Clubs Org., and Pokemon Fans Unite*, WIPO Case No. [D2001-1070](#) and *BellSouth Intellectual Property Corporation v. Serena, Axel*, WIPO Case No. [D2006-0007](#).

Further, the registration of the Domain Name identical to Complainant's TECHCOMBANK trademark and official domain name <techcombank.com> suggests Respondent's actual knowledge of Complainant's rights in the TECHCOMBANK trademarks at the time of registration of the Domain Name and its effort to opportunistically capitalize on the registration and use of the Domain Name.

Moreover, Respondent registered and is using the Domain Name to confuse and mislead consumers looking for bona fide and well-known TECHCOMBANK products and services of Complainant or authorized partners of Complainant.

In particular, the evidence provided by Complainant indicated that at the time of filing of the Complaint, the Domain Name resolved to a website that provided third party PPC links (in English) to websites offering tax, payment, finance, and virtual currency investment services, all of which are similar or identical to services provided by Complainant, to promote Respondent's activities. The use of the TECHCOMBANK mark in the Domain Name is intended to capture Internet traffic from Internet users who are looking for Complainant's products and services. Therefore, by using the Domain Name, and then further to promote products that are in direct competition with Complainant, Respondent has intentionally attempted to attract, for commercial

gain, Internet users to Respondent's website by creating a likelihood of confusion with Complainant's TECHCOMBANK mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website. All these actions may result in tarnishing Complainant's reputation and goodwill in the industry.

At the time of the Decision, the Domain Name resolved to an inactive webpage, which does not change the Panel's finding of Respondent's bad faith under the circumstances of this case.

Further, the Panel also notes the failure of Respondent to submit a response, or to provide any evidence of actual or contemplated good-faith use, its use of what appeared to be false contact information, and the implausibility of any good-faith use to which the Domain Names may be put.

Accordingly, the Panel finds that Respondent registered and is using the Domain Name in bad faith and Complainant succeeds under the third element of paragraph 4(a) 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 <techcombank.online> be transferred to Complainant.

/Kimberley Chen Nobles/

Kimberley Chen Nobles

Sole Panelist

Date: February 14, 2025