

## **ADMINISTRATIVE PANEL DECISION**

Libbs Farmaceutica Ltda v. 李林阳 (Li Lin Yang)  
Case No. D2025-0633

### **1. The Parties**

The Complainant is Libbs Farmaceutica Ltda, Brazil, represented by Gusmão & Labrunie Advogados, Brazil.

The Respondent is 李林阳 (Li Lin Yang), China.

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

The disputed domain name <libbs.com> is registered with DNSPod, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on February 17, 2025. On the following day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 20, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from the named Respondent (HUANG SHAOHUI) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 20, 2025, 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 in English on February 25, 2025.

On February 20, 2025, the Center informed the Parties in Chinese and English that the language of the Registration Agreement for the disputed domain name is Chinese. On February 25, 2025, the Complainant requested that the language of the proceeding be English. The Respondent did not submit any comment on the Complainant’s request.

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 in English and Chinese of the Complaint, and the proceedings commenced on February 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 18, 2025. The Response was filed with the Center in Chinese on March 17, 2025.

The Center appointed Matthew Kennedy as the sole panelist in this matter on March 21, 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.

On April 1, 2025, pursuant to paragraphs 10(a) and 10(b) of the Rules, the Panel issued Administrative Panel Procedural Order No. 1 (the “Order”), in which the Panel ordered as follows: (1) the Respondent shall have an opportunity until April 6, 2025 to file any further submissions it may wish to make in relation to the fact that his contact telephone number is the same as that of the original registrant, such submissions not to exceed 1,500 words in length; and (2) the Complainant shall have an opportunity until April 11, 2025 to file any submissions it may choose to make regarding this issue, such submissions not to exceed 1,500 words in length. The Panel’s decision due date was extended until April 18, 2025. No submissions were received in response to the Order.

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

The Complainant is a Brazilian pharmaceutical company with more than 2,500 employees. It holds several Brazilian trademark registrations for LIBBS including number 002.507.960 (registered on May 3, 1961); number 817.152.768 (registered on January 24, 1995); number 817.152.784 (registered on January 24, 1995); and number 820.836.621 (registered on September 2, 2003). The Complainant also registered the domain name <libbs.com.br> on January 30, 1998, that it uses in connection with a website where it provides information about itself and its pharmaceutical products.

The disputed domain name was registered on September 16, 2022. As at March 29, 2024, it resolved to a website in English ostensibly offering website application development and design services. On December 5, 2024, the Complainant sent a cease-and-desist letter to the contact email address shown on the website. The Complainant then filed a complaint regarding the disputed domain name with the Center (the “original complaint”) in WIPO Case No. [D2025-0143](#) (the “original proceeding”). The Center sent an email communication to the Complainant on January 20, 2025, providing registrant and contact information disclosed by the then-registrar and inviting the Complainant to submit an amendment to the Complaint. The original registrant instructed a legal representative who sent an email communication to the Center in English on February 11, 2025. Due to non-receipt of the filing fee, the Center issued a notice of deemed withdrawal of the original complaint on February 13, 2025.

The Respondent purchased the disputed domain name via a United States-based domain name broker on February 14, 2025 for the price of USD 1000, after making an initial enquiry a month earlier. The Respondent’s name is different from that of the original registrant but his contact telephone number is the same. The disputed domain name now resolves to a blog in Chinese titled “李氏论坛”, meaning “Li Family Forum”. The subtitle indicates that the blog is intended for people with the family name Li to learn about the history and culture of the Li family. The blog displays four posts, all by the Respondent. The earliest post, dated February 14, 2025, reproduces information from Wikipedia.

#### **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 disputed domain name is identical to its LIBBS trademark.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not known by the disputed domain name and is not authorized by the Complainant or any of its associated companies to use the registered trademark LIBBS or any other similar trademark.

Google search results for “LIBBS” reveal thousands of mentions of the well-known Brazilian company.

The disputed domain name has been registered and is being used in bad faith. After the original registrant learnt of the Complainant's arguments in the original proceeding, there were changes to the registrar, the registrant information, and the associated website content, but the telephone number remained the same. The blog posts on the current website seem to be a copy from Wikipedia. There are no comments on the blog posts or any other sign of interaction with them that would suggest actual good faith use. All the disputed domain name information was suddenly changed in a clear attempt to conceal the registrant's identity as well as content, which indicates that the Respondent is practising passive holding, which prevents the Complainant from fully enjoying its trademark and related rights. The former website was not functional and the disputed domain name was advertised by the prior registrar for almost USD 400,000.

## **B. Respondent**

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name.

The disputed domain name is not the same as the LIBBS trademark as it differs in terms of capitalization.

The Respondent has rights and legitimate interests in the disputed domain name. As a Chinese citizen, he naturally has the right to hold a “.com” domain name. The disputed domain name was acquired by the Respondent through a regular domain name broker. The Complainant has no trademark rights in the United States. The trademark evidence listed by the Complainant can only show that it enjoys legitimate trademark rights in a few specific countries. The Complainant does not even operate a business in China. Enquiries in DeepSeek Chat seeking clarification of “LIBBS” or “libbs” do not reveal any content related to the Complainant's trademark or business. The Respondent's original intended use and his actual use of the disputed domain name are both reasonable, and he has no intention to seek the Complainant's commercial interests or damage the reputation of its trademark.

The Respondent had no bad faith in registering and using the disputed domain name. When the Respondent purchased the disputed domain name, he was attracted to the meaning of “Li+BBS”. Given that his family name is “李” (pronounced “Li”), and he belongs to a certain branch of the Li family, he had the idea of creating a Li family forum. He naturally thought of the combination “Li+BBS” (“BBS” meaning forum) for a domain name. After purchasing the disputed domain name, the Respondent launched the Li Family Forum. The current content introduces some history and characters of the Li family. There is no conflict between the Parties' respective content and no use in bad faith. The forum is not a copy of Wikipedia; only a small part of the forum quotes information from that source.

## **6. Discussion and Findings**

### **6.1 Language of the Proceeding**

The language of the Registration Agreement for the disputed domain name 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.

The Complaint and amended Complaint were filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that parts of the source code of the website associated with the disputed domain name are in English; the contact email username is an English word; the website previously associated with the disputed domain name was in English; and the Registrar provides full support in English, all of which indicates that the Respondent is proficient in English; whereas conducting the proceeding in Chinese would impose unnecessary translation costs on the Complainant and potentially create delay.

The Respondent did not comment on the Complainant's language request. The Respondent stated that he filed the Response in Chinese in accordance with the requirements of the Notification of Complaint and Commencement of Administrative Proceeding (which the Center sent in both Chinese and English). Certain Annexes to the Response are in English, including several showing that the Respondent conducted the purchase of the disputed domain name from the broker in English, and others presenting DeepSeek Chat enquiry results in English, all of which indicates that the Respondent understands that language. Moreover, the detailed Response indicates that the Respondent has in fact understood the Complaint.

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.

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 but that the Panel will accept all submissions as filed in their original language without translation.

## **6.2 Substantive Issues**

Paragraph 4(a) of the Policy provides that a complainant must demonstrate each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to a 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.

The burden of proof of each element is borne by the Complainant.

### **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. See [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of the LIBBS trademark for the purposes of the Policy. Given the global nature of the Internet and the Domain Name System, the jurisdiction in which that trademark is valid is not considered relevant to the first element of the Policy. See [WIPO Overview 3.0](#), sections 1.1.2 and 1.2.1.

The entirety of the LIBBS mark is reproduced within the disputed domain name. The Respondent argues that the disputed domain name differs in terms of capitalization. However, both as a general matter, and given that the Domain Name System is case-insensitive, this difference is irrelevant. The only additional element in the disputed domain name is a generic Top-Level Domain ("gTLD") extension (".com") which, as a standard requirement of domain name registration, may be disregarded in the assessment of identity or confusing similarity for the purposes of the Policy. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. See [WIPO Overview 3.0](#), sections 1.7 and 1.11.1.

Therefore, 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. See [WIPO Overview 3.0](#), section 2.1.

In the present case, the disputed domain name is identical to the Complainant’s LIBBS trademark. The Complainant submits that the Respondent is not authorized by the Complainant or any of its associated companies to use that trademark or any other similar trademark.

There is no evidence that the disputed domain name is currently used by the Respondent in connection with any kind of offering of goods or services.

The Respondent has confirmed that his name is “李林阳”, which may be transliterated “Li Lin Yang”. Nothing indicates that he has been commonly known, whether as an individual, business, or other organization, as “Libbs”.

The disputed domain name currently resolves to a noncommercial blog in Chinese ostensibly about the history of the Li family, but the Complainant argues that this is not a good faith use. The first post on the blog appeared on the day on which the Respondent acquired the disputed domain name and reproduces information from Wikipedia. All four posts were made by the Respondent. Their content has no apparent connection to the disputed domain name as a whole, even though the first two letters of the disputed domain name are “Li”. There is no sign of interaction with other Internet users on the blog. The Panel finds it plausible that this use of the disputed domain name is a pretext for cybersquatting activity.

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.

Turning to the Respondent, he alleges that he conceived of the disputed domain name as a combination of his family name “Li” and the letters “BBS” that would correspond to his eventual blog title, meaning “Li Family Forum”. In support, he provides a link to a Chinese Wikipedia entry showing that “BBS” is an acronym for a “Bulletin Board System” that later came to mean forum or similar. However, the same entry shows that the last era of BBS fora in mainland China ended in about 2012. The Respondent’s enquiries of DeepSeek Chat confirm that BBS (Bulletin Board Systems) were popular for online communication “in the early days of the Internet”. The Respondent does not explain why he chose that term to describe a blog website in 2025, especially one that makes no reference to a “BBS”. In view of these circumstances, it appears more likely that the blog title and content were chosen to match the disputed domain name rather than the other way around.

The Respondent also notes that he is entitled to register a domain name in the “.com” gTLD. However, that does not establish a right or legitimate interest to hold a domain name that infringes trademark rights.

Accordingly, the Panel does not consider that the Respondent has succeeded in rebutting the Complainant’s prima facie showing under this element of the Policy.

Based on the present 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 that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith, but these are not an exhaustive list.

In the present case, the disputed domain name was acquired by the Respondent in 2025, years after the registration of the Complainant's LIBBS trademarks. The disputed domain name is identical to the LIBBS trademark yet it appears that LIBBS has no meaning besides as a reference to the Complainant and its products. Even though the Complainant is based in Brazil, whereas the Respondent is based in China, the Complainant has used its trademark online in its domain name and website since long before the registration of the disputed domain name. The evidence of online trademark searches in China, the United States, and the European Union reveal no other LIBBS trademarks. The Respondent's enquiries of DeepSeek Chat for clarification of the meaning of "LiBBS" merely canvas the possibility that it may be a specific library, software tool, acronym, typographical error, or abbreviation, or that it may relate to a specific project, without confirming that any such meaning actually exists. The Respondent provides no credible explanation for his choice of the disputed domain name, as discussed in Section 6.2B above. The Panel finds that the most likely explanation of these circumstances is that the Respondent knew of the Complainant or its mark, or both, at the time when he registered the disputed domain name.

With respect to use, the Panel recalls its findings in Section 6.2B and the present Section and finds the most likely explanation for the Respondent's use of the disputed domain name to be that it is a pretext for cybersquatting activity. This is an indication of bad faith.

The Respondent presents evidence that he acquired the disputed domain name via a domain name broker for USD 1,000. However, the Response does not acknowledge or explain why the Respondent shares a contact telephone number with the original registrant, if the transfer was at arm's length. Despite the Panel issuing an Order giving the Respondent an opportunity to file further submissions in relation to the fact that his contact telephone number is the same as that of the original registrant, the Respondent did not comment. Accordingly, the Panel finds the most likely explanation for their telephone numbers to be that the Respondent and the original registrant are related in some way, if not under common control. Given the speed with which the registration and use of the disputed domain name changed on the day after the original complaint was deemed withdrawn, and the presumed existence of a relationship between the original registrant and the Respondent, it is reasonable to infer that the transfer and new website were intended to shield the disputed domain name from the application of the Policy. This is a further indication of bad faith.

Therefore, 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 <libbs.com> be transferred to the Complainant.

*/Matthew Kennedy/*

**Matthew Kennedy**

Sole Panelist

Date: April 14, 2025