

## **ADMINISTRATIVE PANEL DECISION**

Igor Borthnik v. lianxin zhou  
Case No. D2025-2962

### **1. The Parties**

The Complainant is Igor Borthnik, Spain, self-represented.

The Respondent is lianxin zhou, Hong Kong, China.

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

The disputed domain name <b2band.com> is registered with Sav.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 24, 2025. On July 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 29, 2025, 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 (“Not available (privacy-protected)”) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 29, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. On the same day, the Center sent an email communication to the Complainant inviting Complainant to submit an amendment to the Complaint to also comply with required formalities of the proceeding. The Complainant filed an amendment to the Complaint on November 4, 2025.

The Center verified that the Complaint together with the amendment to 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 November 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 26, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 28, 2025.

The Center appointed Luca Barbero as the sole panelist in this matter on December 3, 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 the owner of the European Union Trade Mark No. 019141085 for B2BAND (word mark), filed on February 10, 2025, and registered on June 5, 2025, in classes 9, 38, 41, and 42, apparently used in connection with its music group Bi-2, formed in 1988.

The disputed domain name <b2band.com> was registered on May 8, 2022, and is currently not resolving to an active website.

According to the Complainant's submissions, which have not been challenged by the Respondent, the disputed domain name was initially registered by the Complainant, which however lost access to the management of the disputed domain name because of a security breach that involved associated email accounts. A screenshot provided by the Complainant shows that a subdomain of the disputed domain name was used prior to this proceeding in connection with a website offering online games for sale under the logo POSTOGEL.

#### **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 the Complainant's registered trademark, as it reproduces the trademark in its entirety without alteration, with the mere addition of the generic Top-Level Domain ("gTLD") ".com", which is technically required and does not affect the assessment of identity or confusing similarity.

The Complainant submits that the Respondent does not have any rights or legitimate interests in the disputed domain name because: i) the Respondent is not affiliated with the Complainant in any way and has never been authorized, licensed, or otherwise permitted to use the Complainant's registered trademark B2BAND; ii) the Respondent is not commonly known by the name "b2band"; iii) the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name; and iv) there is no evidence of any bona fide offering of goods or services by the Respondent, since the disputed domain name is used by the Respondent to sell digital games and impersonate the Complainant's brand, thereby misleading consumers and profiting from deception.

With regard to the bad faith requirement, the Complainant states that, since the disputed domain name was originally registered and controlled by the Complainant, and was unlawfully taken over by the Respondent following a breach of access to domain-related email accounts, this is a classic case of domain hijacking and the Respondent clearly acquired the disputed domain name in bad faith.

The Complainant also states that the disputed domain name is currently being used in bad faith since it redirects users to a website that misleads users by mimicking the Complainant's identity and offering unauthorized digital products, including games. The Complainant contends that the Respondent is intentionally attracting Internet users for commercial gain, by creating a likelihood of confusion with the Complainant's trademark, seriously harming the Complainant's brand and reputation, and posing risk of legal exposure or consumer confusion.

The Complainant concludes that the combination of unauthorized use, impersonation, and commercial deception supports a finding of bad faith registration and use under the Policy.

## **B. Respondent**

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

## **6. Discussion and Findings**

According to paragraph 15(a) of the Rules: "A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable. Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following:

- (i) that the disputed domain name registered by the Respondent is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that 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 a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. Indeed, the Complainant has provided evidence of a valid trademark registration for B2BAND.

The entirety of the mark is reproduced within the disputed domain name with the mere addition of the gTLD ".com", which can be disregarded under the first element confusing similarity test. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 1.11.1.

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 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.

The Panel notes that there is no relation, disclosed to the Panel or otherwise apparent from the record, between the Respondent and the Complainant. The Respondent is not a licensee of the Complainant, nor has the Respondent otherwise obtained an authorization to use the Complainant's trademark. Moreover, there is no indication before the Panel that the Respondent is commonly known by the disputed domain name.

Furthermore, there is no evidence showing that the Respondent made use of or preparations to use the disputed domain name in connection with a bona fide offering of goods or services or a legitimate noncommercial use without intention to misleadingly divert consumers or to tarnish the Complainant's trademark. Indeed, according to the Complainant's submissions, a subdomain of the disputed domain name was previously used by the Respondent in connection with a website offering online games for sale and displaying a logo POSTOGEL which does not appear to have any relation with the name "b2band" encompassed in the disputed domain name, and the Respondent has not provided any explanation as to the reason for its registration and use of the disputed domain name, which is identical to the Complainant's trademark.

At the time of drafting of this Decision, the disputed domain name is pointed to an inactive website. The Panel notes that, as held in *Teachers Insurance and Annuity Association of America v. Wreaks Communications Group*, WIPO Case No. [D2006-0483](#), absent some contrary evidence from the Respondent, passive holding of a domain name does not constitute "legitimate noncommercial or fair use".

Therefore, 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 disputed domain name was registered on May 8, 2022, whilst the registered trademark on which the Complainant relies (European Union Trade Mark No. 019141085 for B2BAND) was filed only in February 2025 and registered in June 2025.

However, the Complainant stated that it was the prior registrant of the disputed domain name, which was under its control until the disputed domain name was hijacked due to unauthorized access to the associated email addresses. The Complainant provides as Annex 4 to the Complaint copy of a renewal notice reminder, received from the Registrar on March 10, 2025, to demonstrate that it actually owned the disputed domain name prior to the filing of the Complaint.

The Panel has also reviewed the historical screenshots of the disputed domain name saved on the Internet archive at "www.archive.org", showing that the disputed domain name was used, at least until the beginning of May 2025, in connection with a website promoting the music band BI-2<sup>1</sup>.

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<sup>1</sup>Noting the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the UDRP Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision. [WIPO Overview 3.0](#), section 4.8.

Therefore, the Panel finds that, based on the available record, it has been demonstrated that the disputed domain name was acquired by the Respondent after the filing of the Complainant's European Union Trade Mark and, considering the prior use of the disputed domain name made by the Complainant, the distinctiveness of the mark, and the long history of the Complainant's activities, the Panel finds that, on balance of probabilities, the Respondent acquired the disputed domain name being aware of, and with the intention to target, the Complainant and its trademark.

Furthermore, as indicated above, the Complainant stated that the Respondent hijacked the disputed domain name by obtaining access to the associated email accounts, and the Respondent has not submitted any response to deny such allegation.

In addition to the above, the Complainant has provided a screenshot showing use of a subdomain of the disputed domain name in connection with a website offering online games for sale. Therefore, based on the available record, the Panel finds that the Respondent registered and used the disputed domain name to intentionally attempt to attract Internet users to the corresponding website for commercial gain, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of the website according to paragraph 4(b)(iv) of the Policy.

The disputed domain name does not currently resolve to an active website. Panels have found that the non-use of a domain name 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 of the Complainant's trademark, and the composition of the disputed domain name, 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 <b2band.com> be transferred to the Complainant.

*/Luca Barbero/*

**Luca Barbero**

Sole Panelist

Date: December 17, 2025