

ADMINISTRATIVE PANEL DECISION

International Business Machines Corporation v. 柴冬冬 (Chai Dong Dong)
Case No. D2025-4079

1. The Parties

The Complainant is International Business Machines Corporation, United States of America ("United States"), internally represented.

The Respondent is 柴冬冬 (Chai Dong Dong), Hong Kong, China.

2. The Domain Name and Registrar

The disputed domain name <datastaxbi.com> is registered with Aceville Pte. Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on October 6, 2025. On October 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 10, 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 (John Doe) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 14, 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 amendment to the Complaint in English on October 16, 2025.

On October 14, 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 October 16, 2025, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 in Chinese and English of the Complaint, and the proceedings commenced on October 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 9, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 19, 2025.

The Center appointed Hong Yang as the sole panelist in this matter on November 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.

4. Factual Background

The Complainant was incorporated in 1911 and officially became International Business Machines in 1924. Since introducing its first large vacuum tube computer in 1952, it has been one of the leading innovators in the design and manufacture of a wide array of products of computers and computer hardware, software and accessories. In 2024, it was ranked the 16th and 17th most valuable global brand respectively in 2024 and 2023 by BrandZ. Founded in 2010, DataStax is a software company that provides services for artificial intelligence ("AI") development, being the creator of essential technologies for harnessing crucial enterprise data to maximize value of general AI at scale. On February 25, 2025, the Complainant acquired DataStax, and the trademarks associated with the brand were assigned to the Complainant. The Complainant has since incorporated DataStax into its Watsonx portfolio to deepen its artificial intelligence capabilities.

The Complainant owns various trademarks containing the term "Datastax" globally, including the following: United States Registration No. 4141148 for DATASTAX (word), registered on May 15, 2012; European Union Trademark Registration No. 012812707 for DATASTAX (word), registered on September 18, 2014; and International Trademark Registration No. 1275364 for DATASTAX (word), registered on August 7, 2015, designating jurisdictions including China.

DataStax previously operated its official website under the domain name <datastax.com>, which currently redirects to a product webpage under the Complainant's official website, "www.ibm.com/products/datastax".

The disputed domain name was registered on January 12, 2025. At the time of this decision, the disputed domain name resolves to an inactive website. At the time of filing of the Complaint, the disputed domain name resolved to a website that was substantially similar to the previous website hosted at "www.datastax.com/company" including contents, layout and color scheme, prominently displaying the DATASTAX trademark including its designed logo font and color.

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.

B. Respondent

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

6. Discussion and Findings

6.1 Procedural Issue: 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 was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that: (1) the disputed domain name is completely comprised of English words and letters; (2) the webpage under the disputed domain name contains mainly English words and sentences; and (3) the Complainant does not comprehend Chinese, and the use of Chinese would entail significant expenses and undue burden and delay on the Complainant.

The Respondent has, moreover, been notified by the Center, in both Chinese and English, of the language of the proceeding and of the Complaint. The Respondent did not make any submissions with respect to the language of the proceedings, nor did the Respondent file any Response in Chinese or English.

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.

6.2 Substantive Issues

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 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.

The Panel finds the mark is recognizable 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 the other terms here, "bi", may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names 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 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 the composition of the disputed domain name itself affirms the Respondent’s intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the DATASTAX trademark as to the origin or affiliation, incorporating the DATASTAX mark in full and merely adding the letters of “bi”, which may refer to business intelligence covered by the DATASTAX trademark. Further, the available record shows that the Respondent is not affiliated or otherwise authorized to use the DATASTAX mark or held any registration of the DATASTAX mark anywhere. There is no evidence indicating that the Respondent is commonly known by the disputed domain name.

Previously, the disputed domain name resolved to a website displaying the DATASTAX trademark. Moreover, the website was substantially similar to the previous website hosted at “www.datastax.com/company” including contents, layout and color scheme. Such use cannot constitute any bona fide offering of goods or services nor a legitimate noncommercial or fair use of the disputed domain name.

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 the Respondent has used without any license or authorization the Complainant’s trademark in full in the disputed domain name plus the additional letters which may refer to business intelligence. The trademark DATASTAX is widely used in multiple jurisdictions, and the registration and use of the marks predate the Respondent’s registration of the disputed domain name. Moreover, the content of the website at the disputed domain name is substantially similar to the previous website hosted at “www.datastax.com/company”. This signals the Respondent’s intention to target the DATASTAX mark. Thus, the Panel considers that the Respondent knew of the DATASTAX mark at the time of registering the disputed domain name.

Further, considering the use of the disputed domain name analyzed in Section 6.2B above, the Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its websites, by creating a likelihood of confusion with the DATASTAX mark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website. The disputed domain name was thus registered and used in bad faith, according to paragraph 4(b)(iv) of the Policy.

The Panel further notes that 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.

The disputed domain name currently resolves to an inactive page. 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 and reputation of the DATASTAX trademark, the composition of the disputed domain name, and the Respondent's failure to submit a response, 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 <datastaxbi.com> be transferred to the Complainant.

/Hong Yang/

Hong Yang

Sole Panelist

Date: December 5, 2025