

## **ADMINISTRATIVE PANEL DECISION**

Shandong Lingong Construction Machinery Co., Ltd. v. Ngo Tien Thanh  
Case No. D2025-5061

### **1. The Parties**

The Complainant is Shandong Lingong Construction Machinery Co., Ltd., China, represented by King & Wood Mallesons, China.

The Respondent is Ngo Tien Thanh, Viet Nam.

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

The disputed domain name <sdlgvietnam.com> (the “Disputed Domain Name”) is registered with iNET Software Company Limited (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 5, 2025. On December 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On December 10, 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.

On December 11, 2025, the Center informed the parties in Vietnamese and English, that the language of the registration agreement for the disputed domain name is Vietnamese. On December 16, 2025, the Complainant submitted an amended Complaint and confirmed its request that English 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 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 of the Complaint, and the proceedings commenced on December 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 6, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 8, 2026.

The Center appointed Pham Nghiem Xuan Bac as the sole panelist in this matter on January 16, 2026. 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 leading international manufacturer of construction machinery which was established in China in 1972, and produces more than 100 kinds of products in three categories, namely, loaders, excavators and pavement construction machinery. The Complainant currently operates multiple manufacturing facilities and maintains an extensive network of marketing and service outlets across more than 130 countries and regions worldwide, including Viet Nam.

The Complainant owns many trademark registrations that consist of or contain the element SDLG (the “SDLG trademark”) in a variety of countries, including in Viet Nam, where the Respondent is located, under the International Trademark Registration No. 1004853 registered on February 18, 2009, in Classes 07, 12, 35 and 37.

The Complainant is also the owner of the domain name <sdlg.com> which maintains active status.

The Disputed Domain Name was registered on May 5, 2021. At the time of filing the Complaint and as of the date of this Decision, the Disputed Domain Name resolves to an active website named “SDLG Việt Nam” which presents itself as a “a leading international manufacturer of construction machinery which was established in China”.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant contends that each of the elements specified in paragraph 4(a) of the Policy are satisfied in the present case, as follows:

(i) The Disputed Domain Name is identical or confusingly similar to a trademark or service mark, in which the Complainant have rights.

The Complainant argues that the Disputed Domain Name is confusingly similar to its SDLG trademark, as it incorporates the element “SDLG” in its entirety.

The Complainant further submits that the addition of the geographic term “vietnam” does not prevent a finding of confusing similarity.

Finally, the Complainant contends that the addition of the generic Top-Level Domain (“gTLD”) “.com” is disregarded under the first element confusing similarity test.

(ii) The Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

The Complainant contends that the Respondent has no rights or legitimate interests in the Disputed Domain Name. The Complainant submits that the Respondent does not own, and has not used in good faith, any trademark rights in the SDLG trademark, nor has the Complainant uncovered any evidence that the Respondent is commonly known by the Disputed Domain Name or by the SDLG trademark.

The Complainant further submits that it has not authorized, licensed, or otherwise permitted the Respondent to use the SDLG trademark in any manner, and that there is no relationship between the Complainant and the Respondent that would give rise to any right or legitimate interest in the Disputed Domain Name.

The Complainant further asserts the Respondent did not register or use the Disputed Domain Name in connection with any bona fide offering of goods or services, nor for any legitimate noncommercial or fair use. According to the Complainant, the Disputed Domain Name is not descriptive or generic in any language, does not correspond to the Respondent's legal name, and does not refer to any independent business of the Respondent.

(iii) The Disputed Domain Name was registered and is being used in bad faith.

The Complainant contends that the Disputed Domain Name was registered and is being used in bad faith. The Disputed Domain Name incorporates the Complainant's distinctive SDLG trademark in its entirety, with the mere addition of the geographic term "vietnam", which creates the impression of an official or authorized Vietnamese presence of the Complainant.

The Complainant submits that the Respondent uses the Disputed Domain Name to resolve to a website that prominently displays the SDLG trademark and logo, reproduces product images and technical descriptions originating from the Complainant, and offers for sale SDLG-branded construction machinery. According to the Complainant, such use is intended to create a likelihood of confusion among Internet users as to the source, sponsorship, affiliation, or endorsement of the website and the products offered thereon.

The Complainant further contends that, given the reputation and prior use of the SDLG trademark, the Respondent was necessarily aware of the Complainant and its rights at the time of registration of the Disputed Domain Name. The Complainant argues that the Respondent intentionally registered and used the Disputed Domain Name to attract Internet users for commercial gain by exploiting confusion with the Complainant's trademark.

With the said arguments, the Complainant requests that the Disputed Domain Name be transferred to the Complainant.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **Language of the Proceeding**

The language of the Registration Agreement for the Disputed Domain Name is Vietnamese. 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 (i) the Complainant has no knowledge of Vietnamese and the use of another language other than English would impose a burden of cost on the Complainant; (ii) the website under the Disputed Domain Name contains sections in English, including "Hotline", "Turbo", "Block", "Follow on Facebook" suggesting that the Respondent is likely capable of understanding English; (iii) a large amount of English materials from the Complainant's official website was translated into Vietnamese by the Respondent while the Complainant's website does not have Vietnamese version; and (iv) English is the primary language for international relations.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

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.

### **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 entirety of the 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.

Despite the insertion of the geographical term "vietnam", which is the country of Viet Nam where the Respondent resides, the Panel concludes that this does not prevent a finding of the confusing similarity between the Disputed Domain Name and the Complainant's trademark, as per the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

In addition, the Panel determines that the addition of the gTLD ".com" in the Disputed Domain Name is disregarded, as it is viewed as a technical necessity. [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds that 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.

Paragraph 4(c) of the Policy lists circumstances, in particular but without limitation, which, if found by the Panel to be proved, demonstrate the Respondent's rights or legitimate interests in the Disputed Domain Name for the purposes of paragraph 4(a)(ii) of the Policy, including:

- “(i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or
- (ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or
- (iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.”

Regarding paragraph 4(c)(i) of the Policy, the Panel finds, based on the Complainant's submissions and supporting evidence, that the Respondent has not been granted any license, permission, or authorization to use the Complainant's SDLG trademark. Further, there is no evidence in the record to suggest that the Respondent owns any registered or unregistered trademark rights in any jurisdiction in respect of the term “SDLG”. Accordingly, the Panel finds that the Respondent has no trademark rights or legitimate interests in the Disputed Domain Name.

A reseller or distributor may be making a bona fide offering of goods and services and thus have rights or legitimate interests in a domain name if its use meets certain requirements, which are described in the decision *Oki Data Americas, Inc. v. ASD, Inc.*, (“Oki Data”), WIPO Case No. [D2001-0903](#) including:

- the Respondent must be offering the goods or services at issue;
- the Respondent must use the site to sell only the trademarked goods or services (otherwise, there is the possibility that the Respondent is using the trademark in a domain name to bait consumers and then switch them to other goods or services);
- the site itself must accurately and prominently disclose the Respondent's relationship with the trademark owner; and
- the Respondent must not try to “corner the market” in domain names that reflect the trademark, thus depriving the trademark owner of the ability to reflect its own mark in a domain name.

In the present case, based on the Complainant's un rebutted evidence, the Panel finds that the Respondent does not satisfy these criteria. In particular, the website to which the Disputed Domain Name resolves prominently displays the SDLG trademark and logo, reproduces product images and technical descriptions originating from the Complainant's official website, and presents itself as supplying SDLG-branded machinery, without any accurate or prominent disclaimer clarifying the absence of an official relationship with the Complainant.

On the contrary, the Panel notes that the content and presentation of the website are such as to suggest an affiliation, authorization, or endorsement by the Complainant, which does not exist. The use of the Complainant's trademark and branding in this manner is liable to mislead Internet users into believing that the Respondent is an official distributor or representative of the Complainant.

With such a view, the Panel finds that the unauthorized use of the Disputed Domain Name does not meet the *Oki Data* criteria and thus, does not constitute a bona fide use within paragraph 4(c)(i) of the Policy.

Regarding paragraphs 4(c)(ii) and 4(c)(iii) of the Policy, the Panel finds no evidence that the Respondent, whether as an individual, business, or other organization, has been commonly known by the Disputed Domain Name, nor is there any indication that the Respondent is making a legitimate noncommercial or fair

use of it. The evidence indicates that the Disputed Domain Name was registered and used with knowledge of the Complainant's SDLG trademark and with the intention of capitalizing on the goodwill and reputation associated with that trademark.

The Panel finds that 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, including:

“(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.”

In the present case, the Panel finds that the Complainant has put forth evidence that the Respondent has registered and used the Disputed Domain Name in bad faith. The Respondent did not formally reply to the Complainant's contentions and, therefore, did not refute the Complainant's contentions.

The Panel has considered the Complainant's assertions and evidence concerning the Respondent's registration and use of the Disputed Domain Name. The Panel notes that the Complainant's SDLG trademark has been registered and extensively used in numerous jurisdictions worldwide, including Viet Nam, where the Respondent resides, and has acquired a significant recognition in the construction machinery sector. These trademark rights and their associated reputation predate the registration of the Disputed Domain Name.

The Disputed Domain Name incorporates the Complainant's SDLG trademark in its entirety, with the addition of the geographic term “vietnam”. Given the distinctiveness of the SDLG trademark and its use in connection with heavy machinery products, including in Viet Nam where the Respondent resides, the Panel finds it implausible that the Respondent registered the Disputed Domain Name without knowledge of the Complainant and its trademark. On the contrary, the Panel is of the view that the Respondent was clearly aware of the Complainant and deliberately chose the Disputed Domain Name in order to create an association with the Complainant.

The Panel further observes that the Disputed Domain Name resolves to a website offering machinery products bearing the SDLG trademark, and that the website prominently displays the Complainant's trademark, logo, product images, and technical descriptions. Such use is made without authorization and is likely to mislead Internet users into believing that the website is operated by, affiliated with, or endorsed by the Complainant.

The Panel determines that Internet users searching for the Complainant's SDLG products are likely to be attracted to the Respondent's website due to the confusing similarity between the Disputed Domain Name and the Complainant's trademark, and to mistakenly assume a commercial connection between the Respondent and the Complainant, while no such connection exists in fact. The Panel therefore finds that, by using the Disputed Domain Name, the Respondent has intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of its website and the products offered thereon. This conduct constitutes evidence of bad faith within the meaning of paragraph 4(b)(iv) of 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 <sdlgvietnam.com> be transferred to the Complainant.

*/Pham Nghiem Xuan Bac/*

**Pham Nghiem Xuan Bac**

Sole Panelist

Date: January 30, 2026