

## ADMINISTRATIVE PANEL DECISION

ABB Asea Brown Boveri Ltd. v. zhang tong dao  
Case No. D2025-5134

### 1. The Parties

The Complainant is ABB Asea Brown Boveri Ltd., Switzerland, represented by Taylor Wessing LLP, Germany.

The Respondent is zhang tong dao, Hong Kong, China.

### 2. The Domain Names and Registrar

The disputed domain names <abbvn.com>, <abbvn.net>, and <abbvn.vip> are registered with Gname.com Pte. Ltd. (the “Registrar”).

### 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on December 10, 2025. On December 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On December 11, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 11, 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 December 12, 2025.

On December 11, 2025, the Center informed the parties in Chinese and English, that the language of the registration agreement for the disputed domain names is Chinese. On December 12, 2025, the Complainant confirmed its request that English be used as the language of the proceeding. Thereafter, the Respondent did not respond to 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 December 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 4, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 5, 2026.

The Center appointed Joseph Simone as the sole panelist in this matter on January 9, 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, ABB Asea Brown Boveri Ltd., is part of ABB Group, a worldwide leading group of companies, operating in particular in the field of power and automation technologies, with over 100,000 employees in over 100 countries worldwide and billions of USD in annual revenue.

The Complainant has a portfolio of trade mark registrations incorporating the ABB mark, including the following:

- International Trade Mark Registration No. 781902 for ABB, registered on March 27, 2002, in Classes 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 14, 16, 17, 18, 19, 20, 21, 25, 26, 28, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45, designating inter alia Australia, United Kingdom, Japan, China, Germany, Italy, Democratic People's Republic of Korea, Russian Federation, and Viet Nam; and
- International Trade Mark Registration No. 781685 for ABB, registered on March 27, 2002, in Classes 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 14, 16, 17, 18, 19, 20, 21, 25, 26, 28, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 and 45, designating inter alia Australia, United Kingdom, Japan, China, Germany, Italy, Democratic People's Republic of Korea, Russian Federation, and Viet Nam.

The disputed domain names <abbvn.com>, <abbvn.net>, and <abbvn.vip> were registered on November 1, 2025. The Complainant has submitted evidence showing that the disputed domain names have been used to operate websites featuring the Complainant's stylized ABB mark and claiming to be operated by "ABB Vietnam", on which the Respondent asserts that users can earn bonuses by sharing the platform with friends who subsequently invest in the Respondent's green energy offerings. At the time of this decision, the disputed domain names resolve to an error page.

#### **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 names.

Notably, the Complainant contends that the disputed domain names registered by the Respondent are identical or confusingly similar to the Complainant's ABB marks, and the addition of the term "vn", a common reference to Viet Nam, does not prevent a finding of confusing similarity.

The Complainant asserts that it has not authorized the Respondent to use the ABB marks, and there is no evidence to suggest that the Respondent has used, or has undertaken any demonstrable preparations to use, the disputed domain names in connection with a bona fide offering of goods or services.

The Complainant also claims there is no evidence that the Respondent has any connection to the ABB marks, and that there is no plausible good faith reason for the Respondent to have registered the disputed domain names.

The Complainant therefore argues that the registration and any use of the disputed domain names must be in bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1 Preliminary Issue: Language of the Proceeding**

The language of the Registration Agreement for the disputed domain names 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 disputed domain names all resolved to an English-language website; and
- The spirit of paragraph 11 of the Rules is to ensure fairness in the selection of language by giving full consideration to the parties' level of comfort with each language, the expenses to be incurred and possibility of delays in the proceeding in the event translations are required, and other relevant factors.

The Respondent did not make any submissions with respect to the language of the proceeding, did not file any response and has refrained from participating in this 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.

## **6.2 Substantive Issues**

### **A. Identical or Confusingly Similar**

It is widely 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 trade mark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The Panel acknowledges that the Complainant has established rights in the ABB trade marks. [WIPO Overview 3.0](#), section 1.2.1.

Disregarding the generic Top-Level Domains ("gTLDs") ".com", ".net", and ".vip", the disputed domain names <abbvn.com>, <abbvn.net>, and <abbvn.vip> incorporate the Complainant's trade mark ABB in its entirety, and the addition of the term "vn", a common reference to Viet Nam, does not prevent a finding of confusing similarity. Thus, the disputed domain names should be regarded as confusingly similar to the Complainant's ABB marks. [WIPO Overview 3.0](#), sections 1.7, and 1.11.1.

The Panel therefore finds that the Complainant has satisfied the requirements of paragraph 4(a)(i) of the Policy in establishing its rights in the ABB marks and in showing that the disputed domain names are confusingly similar to its marks.

## **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy provides a list of circumstances in which a 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.

In this case, the Complainant asserts that it has not authorized the Respondent to use its trade marks and there is no evidence to suggest that the Respondent has used, or undertaken any demonstrable preparations to use, the disputed domain names in connection with a bona fide offering of goods or services. Having reviewed the available records, the Panel finds that the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain names.

The Respondent did not file a response and has therefore failed to assert factors or put forth evidence to establish that it enjoys rights or legitimate interests in the disputed domain names. There is also no evidence to show that the Respondent has been commonly known by the disputed domain names or that the Respondent is making a legitimate noncommercial or fair use of the disputed domain names.

As such, the Panel concludes that the Respondent has failed to rebut the Complainant’s *prima facie* showing of the Respondent’s lack of rights or legitimate interests in the disputed domain names, and that none of the circumstances of paragraph 4(c) of the Policy is applicable in this case.

Accordingly, and based on the Panel’s findings below, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain names pursuant to paragraph 4(a)(ii) of the Policy.

## **C. Registered and Used in Bad Faith**

The third and final element that a complainant must prove is that the respondent has registered and is using the disputed domain name in bad faith.

Paragraph 4(b) of the Policy states that any of the following circumstances, in particular but without limitation, shall be considered as evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that the respondent has registered or has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant (the owner of the trade mark or service mark) or to a competitor of that complainant, for valuable consideration in excess of the respondent’s documented out-of-pocket costs directly related to the domain name; or
- (ii) circumstances indicating that the respondent has registered the domain name in order to prevent the owner of the trade mark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or

- (iii) circumstances indicating that the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) circumstances indicating that the respondent is using the domain name to intentionally attempt to attract, for commercial gain, Internet users to its 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 the respondent's website or location or of a product or service on its website or location.

The examples of bad faith registration and use set forth in paragraph 4(b) of the Policy are not meant to be exhaustive of all circumstances in which bad faith may be found. Other circumstances may also 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.

For reasons discussed under this and the preceding heading, the Panel believes that the Respondent's conduct in this case constitutes bad faith registration and use of the disputed domain names.

As indicated above, the Complainant's trade mark registrations incorporating the ABB marks predate the registrations of the disputed domain names. The Panel finds that the Respondent was or should have been aware of the Complainant's trade marks at the time of registration. This finding is supported by the composition of the disputed domain names, which is composed of the main distinctive element of the Complainant's registered ABB marks. Prior to the registration date of the disputed domain names, the Complainant's ABB marks were already widely known and directly associated with the Complainant's activities. A simple online search for the term "ABB" would have revealed the existence of the established ABB brand. [WIPO Overview 3.0](#), section 3.2.2.

The Panel finds that the registration of the disputed domain names, which reproduce the Complainant's ABB mark together with the term "vn", a common abbreviation for "Viet Nam", and the operation of websites featuring the Complainant's stylized ABB mark and including false claims that the sites are operated by "ABB Vietnam", indicate the Respondent's clear awareness of the Complainant and its trade mark rights.

Moreover, the Complainant has provided evidence that the Respondent used the disputed domain names to imitate the Complainant's affiliate without authorization. Panels have consistently held that the use of a domain name for impersonation constitutes use in bad faith ([WIPO Overview 3.0](#), section 3.4). Upon review of the record, the Panel finds that both the registration and use of the disputed domain name by the Respondent constitute bad faith under the Policy.

Furthermore, the Respondent has established fraudulent websites under the disputed domain names, falsely presenting itself as the Complainant's affiliate "ABB Vietnam". These fraudulent websites also reproduce an European Union Declaration of Conformity for official ABB products from ABB E-Mobility B.V., an affiliate of the Complainant. Such conduct constitutes clear evidence of the Respondent's intent to deceive consumers, misappropriate the Complainant's goodwill, and exploit the ABB mark for illegitimate purposes.

Accordingly, the Panel finds that the Respondent has registered and used the disputed domain names pursuant to paragraph 4(a)(iii) 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 names <abbvn.com>, <abbvn.net>, and <abbvn.vip> be transferred to the Complainant.

/Joseph Simone/  
**Joseph Simone**  
Sole Panelist  
Date: January 23, 2026