

BELGIAN CENTRE FOR ARBITRATION AND MEDIATION

DECISION OF THE THIRD-PARTY DECIDER

HUAWEI TECHNOLOGIES / Arash MOTAMEDI

Case no. 44290 : huawei.be

1. The parties

1.1. Complainant:

HUAWEI TECHNOLOGIES Co., Ltd
B1-3A-126S
Huawei Industrial Base
Bantian Longgang
Shenzhen P.R.China
518129

Represented by

Mr. Zak MUSCOVITCH
Lawyer
446 Eglinton Avenue West
TORONTO ONTARIO
CANADA M5N 1A5

E-mail: zak@muscovitch.com

1.2. Licensee:

Mr. Arash MOTAMEDI
Malmvagen 16 A 5 tr
19160 SOLLENTUNA
SWEDEN

E-mail data_imp@hotmail.com

2. Domain name

Domain name: huawei.be

CEPANI – NON-PROFIT ASSOCIATION

Stuiversstraat 8, B-1000 Brussels ● Telephone: +32 2 515 08 35 ● Fax: +32 2 515 08 75
E-mail: cepina@vbo-feb.be ● Website: <http://www.cepani.be>
FORTIS BANK: 210-0076085-89 ● KBC: 430-0169391-20 ● BBL: 310-0720414-81

Registered on: 8 January 2008

hereafter referred to as "the Domain Name".

3. Background to the case

On 26 November 2012, Complainant filed a complaint concerning the Domain Name.

Licensee did not submit any response.

On 25 January 2012, Cepani appointed third-party decider to settle the dispute.

4. Factual information

Complainant is a global provider of information and communications technology under the brand and trademark "HUAWEI".

Complainant's industry-leading products are numerous, and include applications, software, networking, communications, infrastructure, and devices.

Complainant is active in 140 countries, and employs over 110.000 people worldwide.

Complainant is owner of a Benelux complex trademark containing the word element "HUAWEI", since 3 October 2005 (Exhibit I to the complaint). Complainant is also owner of an international word trademark "HUAWEI", since 4 December 2000 (Exhibit J to the complaint).

Complainant's primary domain name is "Huawei.com" (registered: 20 April 2000).

Licensee registered the Domain Name on 8 January 2008.

5. Position of the parties

5.1. Position of the Complainant

Complainant is owner of 278 registered trademarks, including the Benelux trademark 0798368 (reg. 3 October 2005) which comprises the word element "Huawei".

Complainant also invokes its corporate name "Huawei Technologies".

Licensee is a cybersquatter which already registered lots of domain names corresponding to well-known marks of companies unrelated to him, and notably several domain names corresponding to Complainant's marks : "huaweimobilephones.mobi", "huaweitechnologies.biz", etc.

Licensee attempted to extort money from Complainant.

5.2. Position of the Licensee

Licensee did not submit any response to the complaint.

6. Discussion and findings

Pursuant to Article 15.1 of the *CEPANI rules for domain name dispute resolution*, the Third-party decider shall rule on domain name disputes with due regard for the Policy and the CEPANI rules for domain name dispute resolution.

Pursuant to Article 10b(1) of the Terms and conditions of domain name registrations under the ".be" domain operated by DNS BE, the Complainant must provide evidence of the following:

- *" the licensee's domain name is identical or confusingly similar to a trademark, a tradename, a social name or corporation name, a geographical designation, a name of origin, a designation of source, a personal name or name of a geographical entity in which the Complainant has rights; and*
- *the licensee has no rights or legitimate interests in the domain name; and*
- *the licensee's domain name has been registered or is being used in bad faith."*

6.1. Domain Name is identical or similar to Complainant's trademarks and corporate name

Complainant proved prior rights on "Huawei" trademark and corporate name:

- Complainant has been incorporated in 1987 (pursuant to its web site) and has been doing business for several years prior to the registration of the Domain Name (Huawei.com registered on 20 April 2000)
- Complainant is owner of a Benelux trademark (comprising the word element "huawei") registered on the 3rd of October, 2005, and of an international trademark (word mark "Huawei") registered on the 4th of December, 2000.

Complainant proved being owner of prior rights on the "Huawei" sign in the meaning of the DNS BE general terms and conditions.

The Domain Name is identical to the "Huawei" sign since the ".be" has no distinctive character within the Domain Name (CEPANI, cases nr.44082, 44076 and 44025).

Domain Name is identical to the trademarks of Complainant and to Complainant's corporate name.

First condition is therefore met.

6.2. Rights and legitimate interests

Licensee did not submit any explanation.

In these circumstances, a prima facie evidence of a lack of legitimate interest may be sufficient to meet the second requirement of DNS BE terms and conditions (CEPANI, cases nr. 44094 and 44217).

Domain Name has been registered more than 4 years ago but it is not linking to any "real" content.

Prima facie, it indicates a speculative registration.

Furthermore, the existence of a possible legitimate interest is even more doubtful that the Licensee already registered lots of domain names corresponding to well-known companies and to Complainant trademarks.

Considering these elements and the absence of response from the Licensee, the third-party decider considers Complainant submitted sufficient evidence of a lack of legitimate interest of the Licensee.

Second requirement of article 10 of ".be" registration terms and conditions is therefore proven.

6.3. Registration or use in bad faith

Licensee registered several domain names corresponding to Complainant's trademarks or comprising said trademarks associated with words describing the activities and/or products of Complainant (Exhibit N to the complaint) and numerous domain names corresponding to well-known trademarks belonging to third-parties.

Such practices are bad faith domain name registration (CEPANI case nr. 44166).

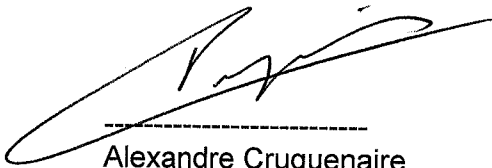
The combination of these elements establishes that the registration and use of the Domain Name are made in bad faith, in the meaning of DNS BE rules.

Also third condition is therefore met.

7. Decision

Consequently, pursuant to Article 10(e) of the *Terms and conditions of domain name registrations under the ".be" domain operated by DNS BE*, the Third-party decider hereby rules that the domain name registration for the "**huawei.be**" domain name is to be transferred to the Complainant.

Namur, 08/02/2013.



Alexandre Cruquenaire,
The Third-party decider