

# Hong Kong Billionaire Li Ka Shing's Companies Guilty of Domain Name Hijacking

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Geneva, Switzerland, August 3, 2009 – A World Intellectual Property Organization (WIPO) domain name dispute adjudication panel has found two companies owned by Hong Kong billionaire, Li Ka Shing, guilty of Attempted Reverse Domain Name Hijacking, over the domain name, 長江.com, which means YangtzeRiver.com.

Cheung Kong (Holdings) Limited and Cheung Kong Property Development Limited of Hong Kong, both companies owned by Li Ka Shing who was listed by Forbes as the 11<sup>th</sup> richest man in the world in 2008, had attempted to wrest away the domain name from Canadian based business, Netego DotCom. Li Ka Shing's companies had alleged that Netego registered the domain name 8 years ago in order to capitalize off of the complainant's trademark rights in "Cheung Kong" (meaning Yangtze River). Netego however defended the legal proceeding on the basis that it had an inherent legitimate interest to register the name of one of the most famous rivers in the world, the Yangtze River, as a domain name, and was using it in connection with a web site about Yangtze river cruises.

This was not however, the first time Li Ka Shing's companies had tried to grab this domain name. Only months before, they had tried and lost a nearly identical arbitration against Netego. The Panel of three distinguished intellectual property adjudicators stated in their decision that "what is particularly troubling here is that Complainants never even notified the Panel that this was a re-filed Complaint. The fact that the submitted Complaint nowhere refers to the previous proceeding, suggests to the Panel that Complainants may have deliberately attempted to hide that fact from the Panel." Accordingly, the WIPO Panel found that Li Ka Shing's companies' actions constituted an "abuse of process" and therefore entered a finding of "Reverse Domain Name Hijacking".

Li Ka Shing's companies were represented by Wilkinson & Grist, a Hong Kong law firm. Netego was represented by domain name legal expert, Zak Muscovitch, of The Muscovitch Law Firm, Toronto, Canada. Zak Muscovitch stated, "This is a good lesson for any large company that thinks that they can abuse the legal system to grab a domain name away from the rightful owner. Just because you have billions of dollars does not mean that you can take what you want." Zak Muscovitch also stated, "The fact is that the Yangtze River was around long before Li Ka Shing's corporate name; in fact he selected his corporate name after the river, not the other way around. Accordingly, anyone in the world, including my client, has a right to register this domain name". The decision: <http://www.DNattorney.com> and at: <http://www.wipo.int/amc/en/domains/decisions/html/2009/d2009-0540.html>.

About The Muscovitch Law Firm: Zak Muscovitch of the Muscovitch Law Firm is a domain name law expert and has been defending domain name owners against wrongful attempts to hijack domain names for 10 years. He has been counsel on numerous precedent setting decision in the domain name law field.

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