Decision for dispute CAC-UDRP-105887

Case number	CAC-UDRP-105887
Time of filing	2025-02-20 11:33:25
Domain names	onlinemihkdealers.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	Xiaomi, Inc.

Complainant representative

Organization	CSC Digital Brand Services Group AB

Respondent

Organization	fewellkhvakek

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the registered owner of several trademarks for the stylized word “MI”, including International Registration no. 1331842F, registered on April 14, 2016, in classes 7, 11, and 37, and International Registration no. 1173649, registered on November 28, 2012, in classes 9, 35, 38, and 42 (hereinafter referred to as the "Trademarks").

FACTUAL BACKGROUND

The Complainant was founded in April 2010 and listed on the Main Board of the Hong Kong Stock Exchange on July 9, 2018. The Complainant is a consumer electronics and smart manufacturing company and is understood to be one of the largest smartphone companies by market share. It is the owner of several domain names, including <mi.com>.

The disputed domain name was registered on November 26, 2024 and was used in connection with a website at https://xiaomi.onlinemihkdealers.com/ where XIAOMI products have been offered for sale. The Respondent also provided a registration page.

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant argues that the disputed domain name is confusingly similar to their Trademarks. They claim that the addition of the terms “online”, “hk”, and “dealers” before and after the Trademarks serves to increase the confusing similarity between the disputed domain name and the Trademarks as they are closely linked and associated with the Complainant’s brand and trademark. Furthermore, they state that the TLD ".com" does not prevent confusion either.

The Complainant also asserts that the Respondent has no rights or legitimate interest in relation to the disputed domain name. They state that the Respondent is not sponsored by or affiliated with the Complainant in any way, that the Complainant has not licensed, authorized, or permitted the Respondent to use the Trademarks in any manner, including in domain names, that the Respondent is not commonly known by the disputed domain name, that the Respondent is also not making a legitimate, non-commercial fair use of the disputed domain name, and that the Respondent’s use of the disputed domain name in connection with a website „posing as an official XIAOMI store offering for sale, potentially counterfeited Xiaomi products“ and in connection with a registration page „possibly for gathering personal and financial information, which poses a security risk and may potentially be a phishing scam“ fails to constitute a bona fide offering of goods or services pursuant to the Policy. In this context, the Complainant also contends that the Respondent is not an authorized reseller and fails to meet the Oki Data for a bona fide use by a reseller as the Complainant is unable to ascertain the authenticity of the goods offered at the disputed domain name’s website, and as there is no visible disclaimer on the disputed domain name’s website to clarify that the website is not endorsed or sponsored by the Complainant to explain the non-existing relationship with the trademark holder.

With regard to the question of bad faith, the Complainant states that the disputed domain name was registered and is being used in bad faith. They claim that the Respondent has registered the disputed domain name several years after the registration of the Trademarks by the Complainant, which are known internationally, that the Respondent uses terms like “online”, “hk”, and “dealers” which clearly refer to the Complainant, and that the Respondent was using the sub-domain https://xiaomi.onlinemihkdealers.com/ to offer XIAOMI products for sale which reflects their awareness of the XIAOMI and MI brands. With regard to bad faith use, the Complainant states that the Respondent registered and used the disputed domain name for the purpose of launching a phishing attack, which is clear evidence of bad faith registration and use, and that the Respondent was posing as an official XIAOMI store offering for sale, potentially counterfeited Xiaomi products and provided a registration page, possibly for gathering personal and financial information.

RESPONDENT:

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

Under paragraph 4(a) of the Policy, the Complainant must prove that each of the following three elements is present:

(i) the disputed domain name is identical or confusingly similar to the Complainant's trademark; and

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) the disputed domain name has been registered and is being used in bad faith.

1. The Panel accepts that the disputed domain name is confusingly similar to the Trademarks. The addition of the generic terms “online”, “hk”, and “dealers” does not hinder a finding of confusing similarity, as the Trademarks are recognizable in the disputed domain name.

2. The Complainant has substantiated that the Respondent has no rights or legitimate interests in the disputed domain name. The Panel finds that the Complainant has fulfilled its obligations under paragraph 4(a)(ii) of the Policy. The Respondent did not deny these assertions in any way and, therefore, failed to prove any rights or legitimate interests in the disputed domain name. Based on the evidence on file, the Panel cannot find any rights or legitimate interests of the Respondent either, as the disputed domain name is not generic and the Respondent's use of the disputed domain name does not appear to indicate the existence of any rights or legitimate interests of its own. In particular, the Respondent’s website does not include any kind of disclaimer to clarify that the website is not endorsed or sponsored by the Complainant and therefore does not meet the Oki Data criteria, even if the products offered at the disputed domain name assumed to be original products. Accordingly, the Panel finds that the Complainant has proven that the Respondent has no rights or legitimate interests in respect of the disputed domain name under paragraphs 4(a)(ii) and 4(c) of the Policy.

3. The Panel is convinced that the Respondent registered the disputed domain name with full knowledge of the Complainant and its rights in the Trademarks. This finding is supported by the facts that Respondent used the URL https://xiaomi.onlinemihkdealers.com/ for an online shop and registration form, which not only includes the Trademarks but also the Complainant’s company name. Regarding bad faith use, by using the disputed domain name in connection with an online store offering for sale, potentially counterfeited products of the Complainant and by providing a registration page, possibly for gathering personal and financial information, the Respondent was, in all likelihood, trying to divert traffic intended for the Complainant’s website to its own for commercial gain as set out under paragraph 4(b)(iv) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **onlinemihkdealers.com**: Transferred

PANELLISTS

Name	**Peter Müller**

DATE OF PANEL DECISION 2025-04-04

Publish the Decision