Decision for dispute CAC-UDRP-106287

Case number	CAC-UDRP-106287
Time of filing	2025-07-15 18:27:25
Domain names	partner-mi.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Xiaomi, Inc.

Complainant representative

Organization	CSC Digital Brand Services Group AB

Respondent

Name	John Brown

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 owns a portfolio of trademarks for both MI and XIAOMI in several jurisdictions. As such, and by way of example, international marks (WIPO) for MI with registration number 1173649 registered on November 28, 2012 and trademark MI with registration number 1516163 and registered on October 17, 2019; Likewise, the Complainant is the owner of international mark (WIPO) XIAOMI with registration number 1177611, registered on November 28, 2012.

FACTUAL BACKGROUND

The Complainant is a global consumer electronics manufacturer based in China, set up in 2010 and listed on the Main Board of the Hong Kong Stock Exchange on July 9, 2018. The Complainant´s global user exceeds 594 million.

The Complainant operates its primary business website at the domain name <mi.com>. The Complainant´s trademarks MI and XIAOMI are to be considered well-known for UDRP purposes.

The disputed domain name was registered on March 5, 2025 and redirected to a website that reproduced the Complainant´s trademarks MI and XIAOMI and also featured the orange and white colour scheme for a long time associated with the Complainant. The banner of the website also offered recruitment for creators and video blogger to become a XIAOMI´s partner.

Currently, the disputed domain name is inactive.

On June 18, 2025 the Complainant sent a cease-and-desist letter to the Respondent.

PARTIES CONTENTIONS

THE COMPLAINANT

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

In particular, the Complainant alleges that it is the owner of MI and XIAOMI trademarks and the disputed domain name is composed of the Complainant's trademark MI in its entirety with the mere addition of the term "partner" and a hyphen. Thus, the disputed domain name is confusingly similar to its trademarks.

The Complainant also contends that none of the circumstances depicted in paragraph 4 (c) of the Policy applies in this case. Indeed, the Complainant alleges that the Respondent has not been authorized or licensed to use its trademarks in a corresponding domain name, there is no evidence that the Respondent is commonly known by the disputed domain name or the lack of fair or non-commercial use of the disputed domain name. In this regard, the Complainant notes that the reproduction of its trademark rights, favicon and brand images in the Respondent´s website is an attempt to take advantage of the Complainant's goodwill. Further, the Complainant alleges that the Respondent´s website when active, did not comply with the OKI Data test.

Furthermore, Complainant´s trademark is well-known and the previous use of the disputed domain name meets paragraph 4(b)(iv) of the Policy. Besides, Respondent´s previous use of the disputed domain name constitutes a disruption of Complainant´s business as set up in paragraph 4(b)(iii) of the Policy. Thus, registration and use is in bad faith.

Finally, the Complainant contends that the Respondent has been involved in several UDRP cases as respondent.

THE 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

1. Identical or Confusingly Similar

The Complainant has shown rights in respect of MI and XIAOMI trademarks for the purposes of the Policy. It is apparent that the mark MI is reproduced in the disputed domain name <partner-mi.com>.

The Panel accepts that by adding a descriptive term “partner” the Respondent does not prevent confusing similarity. On the contrary the confusion is increased since the clear intention of the Respondent is to be somehow associated with the Complainant. See CAC 107549 in this regard.

The applicable Top Level Domain (‘TLD’) in a domain name is viewed as a standard registration requirement and as such is disregarded under the first element test.

The Panel finds the first element of the Policy has been established.

2. Rights or Legitimate Interest

Paragraph 4(c) of the Policy sets out non-exclusive examples in which the Respondent may establish rights or legitimate interests in the disputed domain name. However, while the burden of proof in UDRP proceedings rests on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often-impossible task of “proving a negative”. Accordingly, panels have established, since the inception of the UDRP, that it is sufficient to raise a prima facie case against the respondent and then the evidential burden of production shifts to the respondent. See CAC-UDRP-106452

The Panel finds that the circumstances referred in paragraph 4(c) do not apply to the Respondent or, even any other legitimate circumstance that may apply in favor of the Respondent. Indeed, the composition of the disputed domain name supports a finding of impersonation, which cannot grant rights or legitimate interests.

The Panel also notes the international knowledge of MI and XIAOMI trademarks as well as the use of these marks in the corresponding site to which the disputed domain name redirected. These circumstances prevent the Panel from recognizing rights or legitimate interest in favour of the Respondent. The Panel also notes the attempt to impersonate the Complainant by referring to the website to a program launched by the Complainant in relation to a creator and video blogger using Xiaomi´s products.

Besides, the silence of the Respondent, once it received the Complaint, has prevented the Panel from assessing if any circumstances may oppose the Complainant´s prima facie showing.

The Panel finds the second element of the Policy has been established.

3. Register and Used in Bad Faith

Noting that bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant’s mark, the Panel now looks at the third requirement of the test.

By registering the disputed domain name that reproduces the Complainant’s well-known trademark, the Respondent targeted the Complainant. Accordingly, the Panel determines that the Respondent knew or should have known about the Complainant and its trademarks when registering the disputed domain name. This prior knowledge is strengthened by the subsequent redirection to a website featuring Complainant´s MI and XIAOMI. trademark rights, favicon, and visual appearance.

Furthermore, Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel notes the distinctiveness and the reputation of the Complainant’s trademark and the composition of the disputed domain name to contend that, in the circumstances of this case, the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The Panel also considers that the nature of the inherently misleading disputed domain name, which includes the Complainant’s trademark MI in its entirety with the mere addition of the term “partner” referring to the Complainant’s creator program, further supports a finding of bad faith.

By providing false contact information in the registration agreement, e.g. Berlin city is not in Bavaria, the Respondent´s undertaking is tantamount to bad faith.

The Panel finds that the Complainant has established the third element of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **partner-mi.com**: Transferred

PANELLISTS

Name	**Manuel Moreno-Torres**

DATE OF PANEL DECISION 2025-08-19

Publish the Decision