Decision for dispute CAC-UDRP-107726

Case number	CAC-UDRP-107726
Time of filing	2025-07-08 16:54:01
Domain names	daikingeorgia.com

Case administrator

Organization	Michael Volák (CAC) (Case admin)

Complainant

Organization	Daikin Europe NV

Complainant representative

Organization	Winger Trademarks BV

Respondent

Name	Chong Man Wai

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

Complainant is the owner of multiple trademarks for DAIKIN, including the trademark DAIKIN registered with the United States Patent and Trademark with Serial Number 72348653 and registration date 8 June 1971.

FACTUAL BACKGROUND

According to the information provided by the Registrar the disputed domain name <daikingeorgia.com> was first registered on 26 January 2015 and lastly updated on 8 July 2025.

The disputed domain name currently redirects to a Thai sport and betting website called Fast168.

PARTIES CONTENTIONS

Complainant:
Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred

to it.

According to the information provided by Complainant Complainant was founded in 1924 as a modest metalworking company. Daikin has grown into the world's largest air-conditioning company active in more than 170 countries. Daikin’s presence today spans across Asia, Europe, the Americas, the Middle East, and Africa with operations in over 170 countries and over 29 billion dollars in revenue worldwide.

According to Complainant the disputed domain name is confusingly similar to Complainant's trademark. Complainant asserts that the disputed domain name contains the entirety of Complainant’s well-known DAIKIN mark with addition of the geographic term “Georgia”. Complainant submits that the addition of other terms - including geographic terms - does not prevent a finding of confusing similarity where the trademark is recognizable within the disputed domain name (as in this case).

According to Complainant, Respondent has no rights or legitimate interest in the disputed domain name. Complainant is not affiliated in any way with Respondent and has never authorized Respondent to register or use the disputed domain name or the DAIKIN trademark. Upon information and belief, Respondent is not commonly known by the name “Daikin Georgia” or any variation thereof. Moreover, Complainant has not licensed or otherwise permitted Respondent – or any other party for that matter - to use any of its trademark or to apply for or use any domain name incorporating its mark. It is not a domain name traders would legitimately choose unless seeking to create an impression of an association with Complainant. Complainant asserts that Respondent’s use of the disputed domain name cannot be considered “fair” as it falsely suggests affiliation with the trademark owner. Where a domain name consists of a trademark plus an additional term such as a geographical indication, such composition cannot constitute fair use as it effectively impersonates or suggests sponsorship or endorsement by the trademark owner.

According to Complainant the disputed domain name is registered and is being used in bad faith. Complainant submits that information on the exact date of registration of the disouted domain name by Respondent is not available. The Whois information shows a registration date on 26 January 2015 and an update date on 8 July 2025. Considering the matter only recently came to the attention of Complainant, Respondent is likely to have acquired the domain closer to the update date. Nevertheless, even with a registration date in 2015 the domain name registration comes well after the reputation and the recognizable character of the brand DAIKIN was established and well after the name had been registered as a trademark. Given the widespread publicity and fame of the DAIKIN trademark it is indisputable that Respondent had knowledge of Complainant’s famous mark prior to the registration of the disputed domain name.
Complainant submits that Respondent is attempting to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of Respondent’s website or location or of a product or service on Respondent’s website or location. The combination of the famous DAIKIN trademark with the geographic description “Georgia” inevitably conveys that the domain name is owned or authorized by Complainant. Complainant further submits that the current use of the disputed domain name resolving to a Thai sport and betting website tarnishes Complainant’s mark by establishing an open association with unregulated gambling, an adult-oriented practice that can be highly problematic, when not illegal. The diversion of the disputed domain name to a gambling website is itself certainly consistent with the finding that the disputed domain name was registered and is being used in bad faith.

Respondent
No administratively compliant Response has been filed.

RIGHTS

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 Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

Complainant has, to the satisfaction of the Panel, shown 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

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

In the opinion of the Panel the disputed domain name is confusingly similar to Complainant's trademark. Many UDRP decisions have found that a disputed domain name is identical or confusingly similar to a complainant's trademark where the disputed domain name incorporates the complainant's trademark or the principal part thereof in its entirety or where a disputed domain name consists of a common, obvious or intentional misspelling of a trademark. Complainant has established that it is the owner of trademark registrations for DAIKIN. The disputed domain name incorporates the entirety of the well-known DAIKIN trademark as its distinctive element. The addition of the geographic term "georgia" in the disputed domain name is insufficient to avoid a finding of confusing similarity as the DAIKIN trademark remains the dominant component of the disputed domain name.
The top-level domain ".com" in the disputed domain name may be disregarded. The Panel notes that Complainant's registration of its trademark predates the creation date of the disputed domain name by many years.

In the opinion of the Panel Complainant has made a prima facie case that Respondent lacks rights or legitimate interest in the disputed domain name. Complainant has not licensed or otherwise permitted Respondent to use its trademark or to register the disputed domain name incorporating its mark. Respondent is not making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark of Complainant. Respondent is not commonly known by the disputed domain name nor has it acquired trademark rights. Complainant has no relationship with Respondent.
The fact that the disputed domain name resolves to a Thai-language sport betting website does not confer any rights nor interest in the disputed domain name.
Respondent did not submit any response and Respondent has not rebutted Complainant's prima facie case. Under these circumstances, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain name.

The Panel finds that the disputed domain name has been registered and is being used in bad faith. Complainant has rights in the DAIKIN trademark. Even if it is not entirely clearly when Respondent registered or acquired the disputed domain name Respondent or its predecessors knew or in any event should have known that the registration of the disputed domain name includes the entirety of Complainant's well-known DAIKIN mark.
The Panel notes that the disputed domain name currently resolves to a Thai-language sport and betting site. The Panel also notes that Respondent's current use of the disputed domain name carries the risk of implied affiliation and indicates that Respondent uses the disputed domain name with the intention to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the trademark of Complainant as to the source, sponsorship, affiliation, or endorsement of its website or location or of a service on its website or location, which constitutes registration and use in bad faith in a similar manner to that provided under paragraph 4(b)(iv) of the Policy.
The Panel concludes that Complainant has proven that the disputed domain name has been registered and is being used in bad faith and paragraph 4(a)(iii) of the Policy has been satisfied.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **daikingeorgia.com**: Transferred

PANELLISTS

Name	**Dinant T.L. Oosterbaan**

DATE OF PANEL DECISION 2025-08-18

Publish the Decision