



Asian Domain Name Dispute Resolution Centre

beijing

ADMINISTRATIVE PANEL DECISION Case No. CN-2301565

Complainant: MIDEA GROUP CO., LTD.

Respondent: Chong Wang

Domain Name: mideachina.net

Registrar: SNAPNAMES 46, LLC.

1. Procedural History

On 7 July 2023, the Complainant submitted a Complaint in English to the Beijing Office of the Asian Domain Name Dispute Resolution Center (the ADNDRC Beijing Office) and elected this case to be dealt with by a one-person panel, in accordance with the Uniform Domain Name Dispute Resolution Policy (the Policy) and the Rules for Uniform Domain Name Dispute Resolution Policy (the Rules) approved by the Internet Corporation for Assigned Names and Numbers (ICANN), and the ADNDRC Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the ADNDRC Supplemental Rules) approved by the ADNDRC.

On 10 July 2023, the ADNDRC Beijing Office sent to the Complainant by email an acknowledgement of the receipt of the Complaint and transmitted by email to ICANN and the Registrar, SNAPNAMES 46, LLC., a request for registrar verification in connection with the disputed domain name.

On 18 July 2023, the Registrar transmitted by email to the ADNDRC Beijing Office its verification response, confirming that the Respondent is listed as the registrant and providing the contact details.

On 18 July 2023, ADNDRC Beijing Office informed the Complainant of the Respondent's information and requested the Complainant to revise the Complaint. On the same day, the Complainant submitted its revised Complaint

On 19 July 2023, the ADNDRC notified the Complainant that the Complaint has been confirmed and transmitted to the Respondent and the case officially commenced. On the same day, the ADNDRC Beijing Office transmitted the Written Notice of the Complaint to the Respondent, which informed that the Complainant had filed a Complaint against the disputed domain name and the ADNDRC Beijing Office had

sent the complaint and its attachments through email according to the Rules and the Supplemental Rules. On the same day, the ADNDRC Beijing Office notified ICANN and registrar, SNAPNAMES 46, LLC., of the commencement of the proceedings.

The Respondent failed to submit a Response within the specified time period. On 9 August 2023, the ADNDRC Beijing Office notified the Respondent's default. Since the Respondent did not mention the Panel selection in accordance with the time specified in the Rules, the ADNDRC Supplemental Rules, and the Notification, the ADNDRC Beijing Office informed the Complainant and the Respondent that the ADNDRC Beijing Office would appoint a one-person panel to proceed to render the decision.

Having received a Declaration of Impartiality and Independence and a Statement of Acceptance from Prof. Kun FAN, the ADNDRC Beijing Office notified the parties on 14 August 2023, that the Panel in this case had been selected, with Prof. Kun FAN acting as the sole panelist. The Panel determines that the appointment was made in accordance with Paragraph 6 of the Rules and Articles 8 and 9 of the Supplemental Rules.

On 14 August 2023, the Panel received the file from the ADNDRC Beijing Office and should render the Decision within 14 days, i.e., on or before 28 August 2023.

Pursuant to Paragraph 11 (a) of the Rules, unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding. The language of the current disputed domain name Registration Agreement is English, thus the Panel determines English as the language of the proceedings.

2. Factual Background

A. The Complainant

The Complainant in this case is MIDEA GROUP CO., LTD. The registered address is 26th to 28th floors, Block B, Midea Headquarters Building, No. 6 Midea Avenue, Beijiao Town, Shunde District, Foshan City, Guangdong Province, China. The authorized representative in this case is Liu, Shen & Associates.

B. The Respondent

The Respondent in this case is Chong Wang. The registered address is China, shan dong sheng, wei hai, ru shan shi, da gu shan zhen, hu.

The Respondent is the current registrant of the disputed domain name "mideachina.net", which was registered on 19 May 2023 according to the WHOIS information. The Registrar of the disputed domain name is SNAPNAMES 46, LLC.



3. Parties' Contentions


A. The Complainant


The Complainant is a renowned Chinese electrical appliance manufacturer that was founded in 1968. The Complainant introduces itself as:

“a large comprehensive modern enterprise group focusing on household appliances and involved in real estate, logistics and other fields. The Complainant was listed on the Shenzhen Stock Exchange on 18 September 2013. The Complainant has two subsidiary listed companies, Tundra swan (SZ000418) and Welling Holdings (HK00382). In 1980, the Complainant officially entered the home appliance industry. At present, the Complainant employs 126,000 people in total, and owns more than 10 brands including Midea, Tundra swan, Welling, Hualing, Ande, and Meizhi. The Complainant has 15 domestic production bases in China and 5 foreign production bases in Vietnam, Egypt, Brazil, Argentina, and India”.

The Complainant owns several “MIDEA” trademarks registered in China:

Trademark	Registration number Registration date	Nice classification
	<p>14910307 2015/10/07</p>	<p>Classes 7, 9, 11, 21 Goods of class 9: Lightbox; Neon lights; Traffic signal lights (signal devices); Electronic bulletin board; Flashing signal light; Power supply materials (wires, cables); Home remote control; Power converter; Sensors; Electric coupler; Dimmer; Automatic Time switch; Plugs, sockets, and other contactors; Electric switch; Transformer; Fuses; Rheostat; Wire coil; Battery charger.</p>
	<p>6765876 2010/06/28</p>	<p>Goods of class 9: Computer peripheral equipment; Electronic labels for goods; Automatically adjust the fuel pump; Mechanical device for coin activation; Money points and sorting machines; Email stamping machine; Electronic schedule; Fax machine; Scale; Measuring tools; Navigation signal devices; Flashing signal light; Satellite navigation instruments; DVD player; Teaching projection light; Vehicle driving and control simulator; Indicator (electrical); Teaching instruments; Gas meter; Vehicle odometer; Gas meter; Measuring instruments and instruments; Optical instruments and instruments; Power supply materials (wires, cables); Electric shaver adapter; Electric switch; Photoelectric switch; Light emitting diode; Integrated circuit; Resistance materials; Optical fiber (optical fiber); Home remote control; Fluorescent screen; Stage lighting dimmer; Dimmer (electric); Inverter (electrical); Transformer; Distribution box (electrical); Ballasts for lighting equipment; Automatic Time switch; Plugs, sockets, and other contactors (electrical connectors); Lightning rod; Thermal regulation device; Electroplating</p>

		equipment; Fire extinguishing equipment; Welding equipment; Industrial radiation equipment; Personal accident prevention devices; Electronic anti-theft device; Glasses; Battery; Animation; Electric gloves; Portable remote control car stopper; Electric appliances for removing makeup; Electric door opener.
美的 	25485828 2018/07/28	Classes 7, 9, 11, 21 Goods of class 9: Integrated circuit card; Recorded computer programs; Computer software (recorded); Downloadable computer application software; Monitoring program (computer program); Microprocessor; Downloadable music files; Music composition software; Computer interface; Computer peripheral equipment; Computer programs (downloadable software); Data processing equipment; Central Processing Unit (CPU); Image, chart, and text processing software; Magnetic data medium; Digital music that can be downloaded from the internet; Magnetic encoded identification bracelet; Optical disk storage; Recorded computer operating programs; Computer storage device; Electronic diary; Counter; Electronic recorder; Quantity display; Pedometer; Automatic measuring device; Precision balance; Scale; Weighbridge; Measuring instruments; Flashlight beacon (signal light); Wearable action tracker; Radio monitors for sound and signal reproduction; Internal communication device; Wireless router; Mobile phone; Two way Walkie-talkie; Interphone; Router; Television; Set top box; Video monitor; Camera; Earphones; Playback devices for sound and image carriers; Recording devices for sound and image carriers; Automatic focusing projector; Contour projector; Sky projector; Detectors; Air analysis instruments; Gas detector; Online bracelet (measuring instrument); Optical glass; Optical instruments and instruments; Current switch; Remote control device; Microcontroller; Integrated circuit; Power controller; Dimmer (electrical); Chip (integrated circuit); Sensors; Video display screen; Electric adjustment device; Fluorescent screen; Electric switch; Circuit breaker switch; Patch panel; Plugs, sockets, and other contactors (electrical connections); Differential switch; Fire extinguishers; Siren alarm; Alarm; Electronic anti-theft device; Anti-theft alarm; Buzzer; Electric bell; Fire alarm; Smoke detector; Sound alarm; Electric alarm bell; Bell button; Electric lock; Glasses; Battery; Mobile power supply (rechargeable battery)
美的 	1523735 1999/10/15	Class 11: Bakers; Gas stove; Induction cooking; Water heater; Electric hot pot; Cooler (container); Hair dryer; Ventilation fan; Kitchen range hood; Electric fan; Disinfecting cupboards; Water

		dispenser; Bed warmer; Electric blanket; Electric heater; Refrigerator; Household air dehumidifier; Microwave oven; Air conditioning; Rice cooker.
美的 	5478887 2006/07/14	Class 11: Spray welding lamp; Hot welding gun; Steam lamp; Infrared furnace; Electric insulation cooker; Electric slow cooker; Electric frying pan; Electric oven; Electric coffee maker; Rice cooker; Induction cooking; Gas stove; Microwave oven (kitchen utensils); Electric hot pot; Water heater; Bakers; Electric cookers; Electric coffee maker; Electric kettle; Electric heating pot; Electric steamer; Electric Pressure cooking (pressure cooker); Electric fryer; Electric coffee filter; Refrigerator; Cooler (container); Freezer; Air conditioning; Central air conditioning; Commercial air conditioning; Electric fan; Kitchen range hood; Household air dehumidifier; Ventilation fan; Hair dryer; Household Clothes dryer (electric drying); Humidifier; Air conditioner; Air conditioners for vehicles; Air conditioning devices; Air cooling device; Moisturizing air device; Air purification devices and machines; Fan (air conditioning); Fan blower (air conditioning component); Exhaust fan; Air freshener; Dryer; Water dispenser; Disinfecting cupboards; Household water purification equipment; Industrial water purification equipment; Water purification bucket; Cleaning machine; Bed warmer; Electric heater; Electric blanket; Gas lighter; Friction igniter for igniting gas; Polymerization reaction equipment

The Complainant provides the relevant trademark certificates.

(1) The Complainant contends that the disputed domain name is similar to its trademarks.

According to the Complainant, the main part of disputed domain name “mideachina” consists of “midea” and “china”, the distinctive part being “midea”, which is identical to its registered trademarks. On 9 June 2023, the disputed domain name was used to sell electrical goods, for which the trademarks are registered. However, on the day of submission of the Complaint, the disputed domain name was used for gambling and pornography activities.

The Complainant asserts that its brand “MIDEA” has obtained high reputation around the world. More specifically, the Complainant contends that:

“in the Administrative Judgment [(2012) YZXHCZ No. 1568] issued by the First Intermediate People's Court of Beijing, it was determined that the trademark No. 1523735 ‘Midea’, used in air conditioners, electric fans and other commodities, has reached a well-known state before 21 January 2004. In the Administrative Judgment No. (2019) Jingxing Zhong 3947 of the Beijing High Court, it was determined that the

trademark No. 5478887 'Midea' has a high level of popularity in air conditioning and electric fan products and constitutes a well-known trademark".

Furthermore, the Complainant provides various rankings to demonstrate the reputation of its trademarks.

(2) The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name.

The Complainant conducted searches on the terms "mideachina.net" and "mideachina" in the China and United States trademark database and concludes that the Respondent does not have any rights or legitimate interests in the disputed domain name.

(3) The Complainant contends that the disputed domain name has been registered in bad faith and is being used in bad faith, for the following reasons:

"First, the Respondent snatched the Complainant's registered trademarks and brand "midea" as domain name.

Second, according to the screenshot on 9 June 2023, the Respondent used the disputed domain name to sell goods similar to those covered by the Complainant's registrations, which clearly intended to confuse the customer with bad faith.

Last, the Respondent uses the disputed domain name as a gambling and pornographic website now, which definitely will cause negative impact on Complainant's reputation. Besides, such websites are illegal and forbidden in China. The Respondent attempts to use the disputed domain name to engage in illegal activities and seek illegitimate benefits, which could prove the Respondent's bad faith in the registration and use of the disputed domain name.

Furthermore, after clicking the disputed domain name, the tab of the webpage indicates 'Jilin Feiji Network Technology Co., Ltd (吉林费技网络科技有限公司)'. Per Claimant's search, the company is not registered legally in China. The Respondent may take advantage of the fake company to engage in illegal activities".

The Complainant requests that the disputed domain name be transferred to the Complainant.

B. The Respondent

The Respondent failed to submit a Response within the specified time period.

4. Discussions and Findings

Paragraph 4(a) of the Policy provides that in order to be entitled to a transfer of the disputed domain name, the complainant shall prove the following three elements:

(i) The disputed domain name is identical or confusingly similar to a trademark or

service mark in which the complainant has rights;

(ii) The registrant 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.

Paragraph 4(b) of the Policy states that the following circumstances in particular, but without limitation, shall be evidence of registration and use of a domain name in bad faith:

(i) Circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of documented out-of-pocket costs directly related to the domain name; or

(ii) The respondent registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or

(iii) The respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) By using the domain name, the respondent has intentionally attempted to attract, for commercial gain, internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location.

A. Identity or Confusing Similarity

The panel accepts the Complainant's arguments that the disputed domain name is similar to the well-known mark "MIDEA".

First, the main part of the disputed domain name is "mideachina", which incorporates the Complainant's trademark "MIDEA".

Second, case law has long held that the addition of a geographical name does not remove the risk of confusion; on the contrary, in certain cases, this additionally reinforces the risk of confusion. In the present case, the geographical name "China" was added deliberately since the company concerned is Chinese.

Third, based on exhibited evidences, the Panel accepts the Complainant's arguments that the Claimant's "MIDEA" brand is well-known in the electrical appliance market.

In conclusion, the Panel considers that the disputed domain name is confusingly similar to the Complainant's trademarks.

Accordingly, the first element of Article 4(a) of the Policy is satisfied.

B. Rights or Legitimate Interests of the Respondent

First, the Complainant's arguments suggest that the Complainant never provided the Respondent with a license of trademark for "MIDEA".

Second, the Complainant claimed conducted searches of trademark databases in China and the United States. These searches did not produce any results that would lead to the Respondent's right in the disputed domain name. In this case, as the disputed domain name incorporating the geographical name "China" and the Respondent's registered address from China, the Panel considers as relevant the search result in a China trademark database.

The Panel considers that the Complainant has made out a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name, and the burden is shifted on the Respondent to demonstrate its rights or legitimate interests in the disputed domain name under paragraph 4(c) of the Policy.

The Respondent has not provided any evidence to prove its rights or legitimate interests in the disputed domain name. The Panel also could not find any rights or legitimate interests under paragraph 4(c) of the Policy.

Accordingly, the second condition of Article 4(a) of the Policy is satisfied.

C. Bad Faith

Under the third condition of the Policy, the Complainant must establish that the disputed domain name has been both registered and is being used in bad faith by the Respondent.

(1) The disputed domain name was registered in bad faith.

The Complainant has produced evidence to demonstrate to the satisfaction of the Panel that the "MEDIA" trademark has gained a high reputation in the Chinese market. In such circumstances, it is very likely that the disputed domain name has been selected with the Complainant's brand in mind. It would be an extraordinary coincidence if the Respondent had come up with the disputed domain name independently. Prior panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. The Panel is of the view that the Respondent knew or could not have been unaware of the Complainant's trademark when registering the disputed domain name. Therefore, the disputed domain name was registered in bad faith.

(2) The disputed domain name is used in bad faith.

The Complainant claims that the Respondent is using the disputed domain name in bad faith. As a matter of principle, the Panel must assess the use of bad faith on the day of the submission of the Complaint. In this case, the Complainant submits that the

Respondent has, on different dates, used the disputed domain name in different ways. Indeed, the Complainant asserts that, on 9 June 2023, the Respondent used the disputed domain name in connection with an offer of electrical products for which the Complainant's trademarks are registered. To this end, the Complainant produces a screenshot showing that the disputed domain name was used to sell such products. In addition, the Complainant asserts that, in a second phase, at least from the day of the submission of the Complaint, the Respondent used the disputed domain name for a site dedicated to gambling and pornography.

The Panel finds plausible the use of the disputed domain name in connection with electrical products designated in the "MIDEA" trademark certificates, which fits in 4(b) of the Policy.

In any case, the Complainant has demonstrated that on the day the Complaint was submitted, the Respondent was using the disputed domain name for activities related to gambling and pornography. Such use of the disputed domain name not only reveals the intention to use a well-known trademark for the purpose of attracting Internet users in a lucrative way, but also damages the Complainant's reputation for those visiting the website, which undoubtedly constitutes acts of bad faith under the 4(b)(iii) and (iv) policy.

The Respondent, who had the opportunity to respond to these two arguments, chose not to participate in this procedure.

Therefore, the Panel finds that Respondent registered the disputed domain name in bad faith and is using it in bad faith.

Accordingly, the third condition of Article 4(a) of the Policy is satisfied.

5. Decision

For all the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders the transfer of the disputed domain name "mideachina.net" to the Complainant MIDEA GROUP CO., LTD.



Prof. Kun FAN

Dated: 28 August 2023