



Asian Domain Name Dispute Resolution Centre

hongkong

(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2401925
Complainant:	XIAOMI INC
Respondent:	CARLOS DANIEL PONCE DE LA IGLESIA
Disputed Domain Name(s):	<casaxiaomi.co>

1. The Parties and Contested Domain Name

The Complainant is Xiaomi Inc, of Middle Xierqi Road, Haidian District, Beijing, China.

The Respondent is Carlos Daniel Ponce de la Iglesia, of cra 72 bis 147 60, Bogota 110111 Colombia.

The domain name at issue is <casaxiaomi.co>, registered by Respondent with Network Solutions, LLC, of 5335 Gate Parkway, Jacksonville Florida 32256, United States.

2. Procedural History

The Complainant filed the Complaint on September 11, 2024 with the Asian Domain Name Dispute Resolution Center (“ADNDRC”) Hong Kong Office. On September 12, 2024 the ADNDRC HK Office (the “HK Center”) sent an email to the Registrar with a request to verify the registrant of the disputed domain name. On September 18, 2024 the Registrar transmitted by email to the HK Center its verification response disclosing the registrant and contact information of the disputed domain name. The Complainant filed an amended Complaint on September 24, 2024 reflecting the name and contact information of the Respondent.

The HK Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Dispute Resolution Policy (the “Policy”), the Rules for the Uniform Domain Name Dispute Resolution Policy (the “Rules”) and the Asian Domain Name Dispute Resolution Supplemental Rules (the “Supplemental Rules”).

The HK Center formally notified the Respondent of the Complaint on September 26, 2024 and the proceedings commenced. The Respondent was informed that under Article 5 of the Rules the Response was due within 20 days from the date of notice, on or before October 16, 2024.

The Respondent did not submit a Response within the stipulated time. The Complainant opted for a single member panel and the HK Center appointed Alissia Shchichka as the Panel on October 11, 2024. The Panel confirmed by email to the HK Center acceptance to serve as an impartial panel in this matter.

3. Factual background

Founded in April 2010 and listed on the Hong Kong Stock Exchange in 2018 (1810.HK), the Complainant, Xiaomi Inc., is a global leader in consumer electronics and smart manufacturing, particularly renowned for its smartphones and IoT-connected devices. Over 13 years, Xiaomi has established itself as a top technology innovator, currently holding third place in global smartphone market share, serving over 594 million users, and supporting approximately 618 million IoT devices worldwide. In the first quarter of 2023, Xiaomi reported revenues of RMB 59.5 billion and an adjusted net profit of RMB 3.2 billion.

Xiaomi's main website, <mi.com>, is among the most visited worldwide, attracting approximately 44.8 million monthly visitors, while its social media presence includes millions of followers on platforms such as Facebook, Twitter, and Instagram.

The Complainant has evidenced to be the registered owner of numerous trademark registrations, including, but not limited, to the following:

TRADE MARK	JURISDICTION/ TM OFFICE	REGISTRATION NUMBER	REGISTRATION DATE	IC CLASS
XIAOMI	Colombia- SIC	627481	17.09.2019	7,11, 18
XIAOMI	International Registration - WIPO	1177611	28.11.2012	9, 35, 38, 42
XIAOMI	International Registration -WIPO	1313041	14.04.2016	7, 11, 18

The Complainant also owns the domain name <xiaomi.com>, registered on July 22, 2003, which redirects users to its main website, <mi.com>.

The above trademarks and domain name were registered prior to the disputed domain name, <casaxiaomi.co>, which was registered on April 6, 2023. As of the date of this decision, the disputed domain name resolves to an active website displaying the Complainant's trademark and logo and offering products purportedly sold by both the Complainant and its competitors.

According to the disclosed WhoIs information for the disputed domain name, the Respondent is located in Colombia.

4. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant asserts that the XIAOMI trademark is well-known.

According to the Complainant, the disputed domain name is confusingly similar to the Complainant's trademark, XIAOMI, as it incorporates the entire trademark. The addition of the descriptive term "casa" (meaning "home" in Spanish) preceding the Complainant's trademark, does not prevent a finding of confusing similarity. In respect of the generic Top-Level Domain ("gTLD") ".co", which forms part of the disputed domain name, the Complainant requests that the Panel disregard it under the first element as it is a standard registration requirement.

The Complainant asserts that the Respondent lacks any rights or legitimate interests in the disputed domain name for the following reasons: (1) the Complainant has never authorized, licensed, or permitted the Respondent to register or use the disputed domain name; (2) the Respondent holds no trademarks or trade names corresponding to the Complainant's trademark or the disputed domain name; (3) the Respondent is not known by the disputed domain name; (4) the Respondent has not used the disputed domain name in connection with a *bona fide* offering of goods or services, as the disputed domain name directs to a website displaying the Complainant's trademark, promoting both products allegedly from the Complainant and those from competing brands, and lacking a disclaimer clarifying its non-affiliation with the Complainant, thus misleading users into believing there is an affiliation. This use does not constitute a *bona fide* offering and fails the Oki Data Test; and (5) the Respondent registered the disputed domain name well after the registration of the Complainant's trademarks and official domain name <xiaomi.com>, when the Complainant's trademark was already globally recognized.

The Complainant argues that the Respondent registered and is using the disputed domain name in bad faith for several reasons: (1) the Complainant's well-known trademarks significantly predate the registration of the disputed domain name; (2) by incorporating the XIAOMI trademark and merely adding the generic Spanish term "casa," the Respondent intentionally created a domain name confusingly similar to the Complainant's trademark, indicating knowledge of and intent to exploit the Complainant's reputation; (3) the Respondent's website prominently displays the Complainant's XIAOMI trademark and purports to offer the Complainant's products for sale. This suggests that the Respondent registered the disputed domain name specifically to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant and its trademark; (4) the Respondent's attempt to profit from this confusion, including by promoting competing products, disrupts the Complainant's business and constitutes bad faith registration and use; (5) the Respondent's use of a privacy service to conceal its identity, coupled with its failure to respond to a cease-and-desist letter, further supports the finding of bad faith.

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

B. Respondent

The Respondent did not reply to the Complainant's contentions.

5. Findings

The ICANN Uniform Domain Name Dispute Resolution Policy provides, at Paragraph 4(a), that each of three findings must be made in order for a Complainant to prevail:

- i. Respondent's domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- ii. Respondent has no rights or legitimate interests in respect of the domain name; and
- iii. Respondent's domain name has been registered and is being used in bad faith.

A) Identical / Confusingly Similar

Paragraph 4(a)(i) of the Policy requires the Complainant to prove that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

The Complainant has demonstrated rights in the XIAOMI mark for the purposes of the Policy.

The Panel finds that the Complainant's mark is clearly recognizable within the disputed domain name, where XIAOMI serves as its distinctive and prominent component. The addition of the term "casa" does not negate confusing similarity between the disputed domain name and the Complainant's mark for purposes of the Policy. Rather, the term "casa" may suggest an association with the Complainant's home-related products, thereby increasing the likelihood of confusion.

Accordingly, the Panel concludes that the first element of the Policy is satisfied

B) Rights and Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the Complainant bears the overall burden of proof in UDRP proceedings, previous Panels recognize that proving a respondent lacks rights or legitimate interests in a disputed domain name often requires access to information primarily held by the respondent. Accordingly, when the Complainant establishes a *prima facie* case suggesting the Respondent has no such rights or interests, the evidentiary burden shifts to the Respondent to provide relevant evidence demonstrating its rights or legitimate interests in the disputed domain name (with the ultimate burden of proof still on the Complainant). If the Respondent fails to present such evidence, it is assumed that the Complainant has satisfied the second element.

The Complainant has shown that the Respondent is neither affiliated with nor authorized or licensed by the Complainant to use the XIAOMI trademark or register any domain name incorporating it. Additionally, no evidence suggests that the Respondent is commonly known by the disputed domain name or has any legitimate association with the XIAOMI trademarks.

The disputed domain name directs to a website that falsely promotes products claimed to be from both the Complainant and its competitors, misleading users into believing an affiliation exists. The Respondent has failed to disclose the non-existent relationship with the Complainant. As a result, the Respondent has not satisfied at least two of the criteria established in the Oki Data test, which governs nominative (fair) use by resellers. Prior UDRP panels have consistently held that such use of a disputed domain name does not constitute a bona fide offering, as it exploits the Complainant's reputation and trademark goodwill.

Furthermore, the composition of the disputed domain name inherently carries a risk of implied affiliation, suggesting sponsorship and/or endorsement by the trademark owner.

Based on the available record, the Panel finds that the 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 or service mark at issue.

Accordingly, the Complainant has provided evidence supporting its *prima facie* claim that the Respondent lacks any rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Therefore, the Panel concludes that the Respondent does not have any rights or legitimate interests in the disputed domain name and the Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

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

C) Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

On the issue of registration, the Panel observes that the Complainant's rights to the XIAOMI trademarks substantially precede the Respondent's registration of the disputed domain name. The Complainant has made significant investment to advertise and promote the XIAOMI trademarks worldwide in media and the internet over the years. Based on its extensive use and trademark registrations, the Complainant's "XIAOMI" trademark is well recognized worldwide.

This longstanding and widespread recognition strongly suggests that the Respondent knew or should have known of the Complainant's trademarks when registering the disputed domain name.

The Respondent's use of the disputed domain name to display the Complainant's trademarks and logos, and to sell purported Complainant products, demonstrates clear awareness of the Complainant and its XIAOMI trademarks. It is therefore inconceivable that the Respondent was unaware of the Complainant's trademarks when registering the disputed domain name.

Furthermore, the mere registration of a domain name that is confusingly similar to a well-known trademark, by an unaffiliated Respondent, can alone create a presumption of bad faith.

In terms of use, by registering a disputed domain name incorporating the Complainant's XIAOMI trademark and linking it to a website featuring the Complainant's trademarks and products, the Respondent creates a significant likelihood of confusion with the Complainant and its trademarks, aiming to divert traffic to the Respondent's website for commercial gain.

Moreover, the website associated with the disputed domain name offers competing products, thereby exposing users searching for the Complainant's goods to other brands. This practice could potentially harm the Complainant's business and reputation, constituting bad faith use.

In light of these factors, the selection of a domain name identical to the Complainant's trademark, combined with the Respondent's lack of a credible explanation, leads the Panel to conclude that the Respondent was aware of the Complainant's market reputation and intended to exploit it. Furthermore, the Panel highlights the importance of the Respondent's failure to submit any response.

Accordingly, the Panel concludes that the Respondent has intentionally sought to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademarks regarding the source, sponsorship, affiliation, or endorsement of its website or the products offered on it.

Therefore, the Panel finds that, under the circumstances of this case, the Respondent's registration and use of the disputed domain name constitute bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

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

6. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy, the Panel orders that the disputed domain name <casaxiaomi.co> be transferred to the Complainant.



Alissia Shchichka
Panelist

Dated: October 31, 2024