

ADMINISTRATIVE PANEL DECISION

EMCD Tech Ltd v. Vitya Frolov, power
Case No. D2026-2565

1. The Parties

The Complainant is EMCD Tech LTD, China, internally represented.

The Respondent is Vitya Frolov, power, Romania.

2. The Domain Name and Registrar

The disputed domain name <emcd.ink> (the “Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 11, 2026. On June 12, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On June 15, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Privacy Protection Service) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 17, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on June 26, 2026, followed by the submission of the missing attachment on June 29, 2026.

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

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on June 30, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 20, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 22, 2026.

The Center appointed Piotr Nowaczyk as the sole panelist in this matter on July 24, 2026. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is an entity established in 2019 that operates in the fields of cryptocurrency mining, blockchain technology, and data center services. It operates the EMCD ecosystem, which includes a cryptocurrency mining pool, a peer-to-peer (P2P) marketplace, and Coinhold storage wallets.

According to the Complaint, the Complainant's EMCD mining pool is among the largest cryptocurrency mining pools worldwide.

The Complainant is the owner of the EMCD trademark registrations, including:

- the International Trademark Registration for EMCD (figurative trademark) No. 1836317, registered on August 26, 2024; and
- the Russian Trademark Registration for EMCD (figurative trademark) No. 1059744, registered on November 5, 2024.

The Complainant claims that it is also the owner of the domain name <emcd.io>, incorporating its EMCD trademark, which serves as its official website.

The Domain Name was registered on April 22, 2026.

At the time the Complaint was filed, and as of the date of this Decision, the Domain Name does not resolve to an active website. However, evidence submitted by the Complainant (Annex C-5 of the Complaint) demonstrates that it previously resolved to a Russian-language website mimicking the Complainant's official website, as captured in a screenshot circulated via email on April 30, 2026.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

First, the Complainant contends that the Domain Name is identical or confusingly similar to the trademark in which the Complainant has rights.

Second, the Complainant argues that the Respondent has neither rights nor legitimate interests in the Domain Name.

Third, the Complainant submits that the Domain Name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy places a burden on the Complainant to prove the presence of three separate elements, which can be summarized as follows:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

The applicable standard of proof in UDRP cases is the “balance of probabilities” or “preponderance of the evidence”; some panels have also expressed this as an “on balance” standard. Under this standard, a party should demonstrate to a panel’s satisfaction that it is more likely than not that a claimed fact is true. See section 4.2 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”).

A. Identical or Confusingly Similar

Under the first element, the Complainant must establish that the Domain Name is identical or confusingly similar to the trademark in which the Complainant has rights.

The Complainant holds valid registrations for the EMCD trademark. The Domain Name incorporates this trademark in its entirety. As numerous UDRP panels have held, in cases where a domain name incorporates the entirety of a trademark, the domain name will normally be considered confusingly similar to that mark. See section 1.7 of the [WIPO Overview 3.1](#).

The generic Top-Level Domain (“gTLD”) “.ink” in the Domain Name is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test. See section 1.11.1 of the [WIPO Overview 3.1](#).

Given the above, the Panel finds that the Domain Name is identical to the Complainant’s EMCD trademark. Thus, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Under the second element, the Complainant must prove that the Respondent has no rights or legitimate interests in the Domain Name.

A right or legitimate interest in the Domain Name may be established, in accordance with paragraph 4(c) of the Policy, if the Panel finds any of the following circumstances:

- (i) that the Respondent has used or made preparations to use the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services prior to the notice of the dispute;
- (ii) that the Respondent is commonly known by the Domain Name, even if the Respondent has not acquired any trademark rights; or
- (iii) that the Respondent is making a legitimate noncommercial or fair use of the Domain Name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark.

In the present case, the Complainant's EMCD trademark registration predates the Respondent's registration of the Domain Name. There is no evidence in the case record that the Complainant has licensed or otherwise permitted the Respondent to use the EMCD trademark or to register the Domain Name incorporating this trademark.

Moreover, the Panel finds that the composition of the Domain Names carries a risk of implied affiliation with the Complainant. See section 2.5.1 of the [WIPO Overview 3.1](#).

Finally, there is no evidence on the record that the Respondent has used, or made demonstrable preparations to use, the Domain Name in connection with a bona fide offering of goods or services, or has made any legitimate noncommercial or fair use of the Domain Name. Rather, the Domain Name resolved to a website in Russian language mimicking the Complainant's official website. The current passive holding of the Domain Name does not confer rights or legitimate interests on the Respondent.

Given the above, there are no circumstances in evidence which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights or legitimate interests of the Respondent in respect of the Domain Name. Thus, there is no evidence in the case record that refutes the Complainant's prima facie case. In sum, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Under the third element, the Complainant must prove that the Domain Name has been registered and is being used in bad faith.

Bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark. See section 3.1 of the [WIPO Overview 3.1](#).

Under paragraph 4(b) of the Policy, evidence of bad faith registration and use includes, without limitation:

- (i) circumstances indicating the domain name was registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the owner of a trademark or to a competitor of the trademark owner, for valuable consideration in excess of the documented out-of-pocket costs directly related to the domain name;
- (ii) circumstances indicating that the domain name was registered in order to prevent the owner of a trademark from reflecting the mark in a corresponding domain name, provided it is a pattern of such conduct;
- (iii) circumstances indicating that the domain name was registered primarily for the purpose of disrupting the business of a competitor; or
- (iv) circumstances indicating that the domain name has intentionally been used in an attempt to attract, for commercial gain, Internet users to a website or other online location, by creating a likelihood of confusion with a trademark as to the source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on a website or location.

As indicated above, the Complainant's rights in the EMCD trademark predate the registration of the Domain Name. This Panel finds that the Respondent was or should have been aware of the Complainant's trademark at the time of registration. This finding is supported by the composition of the Domain Name, which consists exclusively of the Complainant's EMCD trademark together with the gTLD ".ink". Moreover, the evidence satisfies the Panel that the EMCD trademark is well known, at least in the field of cryptocurrency. Accordingly, the Respondent could not reasonably have been unaware of the Complainant's trademark. The Panel therefore finds that the Respondent more likely than not registered the Domain Name with the intention of taking unfair advantage of the reputation associated with the Complainant's EMCD trademark.

As to the use of the Domain Name, while the Panel notes that it is currently inactive, the Complainant has provided undisputed evidence that the Domain Name was previously used to host a Russian-language copycat website mimicking the Complainant's official website. The Panel finds that such past use clearly constitutes bad faith under paragraph 4(b)(iv) of the Policy, as the Respondent intentionally attempted to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's mark. The fact that the Domain Name was subsequently deactivated does not shield the Respondent from a finding of bad faith; on the contrary, given the circumstances of this case, the current passive holding only further reinforces that finding.

For the reasons discussed above, the Panel finds the third element of the Policy has been established.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the Domain Name <emcd.ink> be transferred to the Complainant.

/Piotr Nowaczyk/

Piotr Nowaczyk

Sole Panelist

Date: August 3, 2026