

ADMINISTRATIVE PANEL DECISION

TVH Parts Holding NV v. 深圳森麦汉科技有限公司
(shenzhensenmaihankejyoxiangongsi)
Case No. D2025-0693

1. The Parties

The Complainant is TVH Parts Holding NV, Belgium, represented by Fencer BV, Belgium.

The Respondent is 深圳森麦汉科技有限公司 (shenzhensenmaihankejyoxiangongsi), China, self-represented.

2. The Domain Name and Registrar

The disputed domain name <smh-power.com> is registered with Alibaba Cloud Computing (Beijing) Co., Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on February 20, 2025. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 21, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from the named Respondent (unknown, redacted for privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on the same day, 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 amendment to the Complaint in English on February 24, 2025, and confirmed its choice of mutual jurisdiction on February 27, 2025.

On February 21, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On February 24, 2025, the Complainant confirmed its request that English be the language of the proceeding. Informal email communications were received from the Respondent in both Chinese and English between February 21 and 28, 2025, in particular, the Respondent asked if the Response might be submitted in Chinese.

The Center verified that the Complaint together with the amendment to the 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 in Chinese and English of the Complaint, and the proceedings commenced on February 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 19, 2025. The Response was filed with the Center in Chinese on March 16, 2025.

The Center appointed Matthew Kennedy as the sole panelist in this matter on April 2, 2025. 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 a Belgian company part of the international TVH group of companies (“TVH Group”), which is active in the market of spare parts for material handling, industrial vehicles, construction, and agricultural equipment. According to the Complainant’s website, in 2003, the TVH Group acquired Systems Material Handling Co., a United States of America (“United States”) company that held and used United States trademark registration number 1410166 for a stylized SMH mark (the “former SMH mark”), registered on September 23, 1986, specifying goods in classes 7 and 9, including battery connectors and electrical contact tips. That registration was cancelled on June 30, 2007.¹ After the acquisition of Systems Material Handling Co., the TVH Group rebranded and began using a mark consisting of SMH and a forklift device (the “Complainant’s mark”). The Complainant obtained trademark registrations in multiple jurisdictions for this mark, including the following:

- United States trademark registration number 3116190, registered on July 18, 2006, specifying services in class 35;
- Canadian trademark registration number TMA 671717, registered on August 30, 2006, specifying goods and services in classes 7 and 35;
- Brazilian trademark registration number 901238120, registered on November 22, 2011, specifying services in class 35; and
- Mexican trademark registration number 1693749, registered on November 11, 2016, specifying services in class 35.

These trademark registrations are current. The Complainant declares that during the period 2014 to 2024 it sold over 6 million SMH-branded battery connectors. The Complainant also states that it distributes battery connectors and other products for a third party named Anderson Power Products, which operates a website at “www.andersonpower.com”.

The Respondent is a Chinese company named 深圳森麦汉科技有限公司 (which may be transliterated as “shenzhensenmai hankejijouxiangongsi” and translated as “Shenzhen Senmai Han Technology Co., Ltd.”). It specializes in the design, manufacturing, and sale of power connectors. It holds Russian Federation trademark registration number 2023723717 for a stylized SMH logo, registered on September 7, 2023, specifying goods in class 9, including electric connectors.

The disputed domain name was registered on May 12, 2021 and resolves to a website in English for the Respondent. The website prominently displays the stylized SMH logo, alongside the characters 森麦汉 (which may be transliterated as “Sen Mai Han”). The website provides information about the Respondent and its power connector products for “domestic and overseas markets”. The website includes a claim that the Respondent exports to more than 100 countries and regions.

¹The Panel notes its general powers articulated inter alia in paragraphs 10 and 12 of the Rules and has searched the United States Patent and Trademark Office trademark database (“www.uspto.gov/trademarks/search”), which is publicly available, to verify the information provided by the Parties that this mark was formerly registered and later expired. The Panel considers this process of verification useful in assessing the case merits and reaching a decision. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 4.8.

Another Chinese company named 深圳市安德生电子有限公司 (which may be translated as “Shenzhen Anderson² Electronics Co., Ltd”) (referred to below as “Shenzhen Anderson”) holds trademark registrations for the stylized SMH logo in the following jurisdictions:

- Chinese trademark registrations numbers 25852403, 37983531, 53866924, and 53914803, all for the stylized SMH logo, registered on January 28, 2019, September 7, 2020, November 14, 2021, and January 7, 2022, respectively, specifying goods in class 9, including electrical connectors; and
- European Union trademark registration number 018487040 for the stylized SMH logo, registered on September 23, 2021, specifying goods and services in classes 9 and 35, including connectors [electricity].

Shenzhen Anderson also holds Chinese trademark registration number 47151071 for the stylized SMH logo alongside the characters 森麦汉, as displayed on the Respondent’s website, registered on May 21, 2021, specifying goods in class 9, including connections for electric lines. According to evidence presented by the Complainant, Shenzhen Anderson operates a website at “www.adsbattery.com” that prominently displays a logo featuring the name “Anderson”. According to its website, this company specializes in two-way radios and accessories (including battery packs) and tour guide systems.

The Complainant sent a cease-and-desist letter to both the Respondent and Shenzhen Anderson in English on July 8, 2022. The Respondent replied by email in English on the same day. The Complainant sent follow-up emails to the Respondent on July 11 and July 19, 2022.

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 disputed domain name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to its SMH and forklift device mark. The addition of the term “power” does not prevent a finding of confusing similarity in view of the descriptive and generic nature of this term, in particular in relation to the battery connector and electricity sector.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has in no way authorized the use of its trademarks or any similar sign to third parties, including the Respondent. The incorporation of “smh” in the disputed domain name suggests affiliation with the Complainant. This risk is exceedingly high given that the Respondent consciously chose to stylize its SMH logo in a way that is quasi-identical to the Complainant’s former SMH mark, and to market battery connectors under the Anderson/Andersen denomination, which creates an association with the Anderson power connector that the Complainant distributes. The Respondent’s sole intention is to benefit from the reputation of the Complainant’s trademark and the market recognition developed by the Complainant under the SMH sign, for commercial gain. The trademarks held by the Respondent do not confer rights or legitimate interests. These registrations, in particular the stylization of the logo, demonstrate that they were not obtained in good faith for the purpose of making bona fide use of the mark in the jurisdiction where the mark is registered but rather to take unfair advantage of the Complainant’s prior existing trademark rights in the SMH sign. Moreover, the trademarks held by the Respondent in no way reflect the actual geographical business scope of the Respondent, whose website states that it is active on a “global” scale. The fact that the Respondent specifically chose to register a “.com” domain name further exemplifies the global outreach of the Respondent’s activities.

² This part of the company name is translated as “Andersen” in the European Union trademark register.

The disputed domain name was registered and is being used in bad faith. 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 SMH marks as to the affiliation with the Complainant. The Respondent was perfectly aware of the existence of the Complainant's rights in the "SMH" sign as it adapted the stylization of the SMH logo that the Complainant has used for several decades.

B. Respondent

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name.

The disputed domain name is not confusingly similar to the Complainant's trademark. "SMH" is a widely-used abbreviation or logo and is not exclusive to the Complainant. The word "power" is a general term and is widely used with battery connectors and in electric power-related industries. Many parties have registered SMH as a trademark in class 9, not just the Respondent.

"SMH" are the initials of the characters "森麦汉" ("Sen Mai Han") in the Respondent's name. The Respondent has also registered SMH 森麦汉 as a trademark. The disputed domain name does not mislead consumers.

The Respondent has registered SMH as a trademark in multiple jurisdictions and used the mark widely in its business, including in product logos and on packaging. The former SMH logo of Systems Material Handling Co. expired in 2007, hence, the Complainant has no exclusive rights in that mark. The Respondent registered SMH as a trademark in China in 2019 and was not aware of the former SMH logo so there is no bad faith. Given the popularity of the Respondent's SMH battery connector in the Chinese market, the Respondent planned to expand overseas, so it registered the disputed domain name in May 2021, established an English website, and registered SMH as a trademark in the European Union in September 2021 and in Russia in 2023. Since the registration of the disputed domain name, overseas customers have given positive feedback and its use has caused no confusion. According to Article 3 of China's Trademark Law, the Respondent has the exclusive right to use its registered trademark. The trademark certificates and actual use can prove the Respondent's legal use of its trademark in other jurisdictions.

The Complainant has failed to demonstrate that the disputed domain name was registered and is being used in bad faith. The Respondent registered the disputed domain name for legitimate business purposes, namely, to provide customers with high-quality and reasonably-priced products in the battery connector industry. The Respondent did not attempt to obtain improper benefits or damage the reputation of the Complainant. The disputed domain name has been used for legitimate purposes in connection with the Respondent's website where it displays its products, and this has not involved any unfair competition. When the Respondent registered the disputed domain name, it was not aware of the existence of the Complainant's trademark, and the Complainant failed to provide sufficient evidence to prove that the Respondent had the intention to register in bad faith.

Although the Complainant states that its trademark has been registered in many countries and has global influence, the Respondent emphasizes that the use of the disputed domain name has not caused any actual confusion in the countries where the Complainant operates, and that the Respondent's trademark registrations and the disputed domain name use are legal and independent.

6. Discussion and Findings

6.1 Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the website associated with the disputed domain name is in English, the disputed domain name contains an English word, the Parties corresponded in English prior to this proceeding, and the choice of language should not create an undue burden on the Parties or undue delay.

The Response was submitted in Chinese, but the Respondent did not make any specific submissions with respect to the language of the proceeding. The Response contains a detailed reply to the Complaint.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time, and costs. See [WIPO Overview 3.0](#), section 4.5.1.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English but the Panel will accept all submissions in their original language, whether English or Chinese, without translation.

6.2 Substantive Issues

Paragraph 4(a) of the Policy provides that a complainant must demonstrate each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (ii) the respondent 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.

The burden of proof of each element is borne by the Complainant.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. See [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown current rights in respect of a SMH and forklift device trademark for the purposes of the Policy. Given that the figurative elements of that trademark cannot be reflected in a domain name for technical reasons, the Panel will disregard those elements in the assessment of confusing similarity for the purposes of the first element of the Policy. See [WIPO Overview 3.0](#), sections 1.2.1 and 1.10.

The textual element of the Complainant's mark is reproduced within the disputed domain name as its initial element. Despite the addition of the word "power", separated from the mark by a hyphen, the mark remains clearly recognizable within the disputed domain name. The only additional element of the disputed domain name is a generic Top-Level Domain ("gTLD") extension (".com") which, as a standard requirement of domain registration, may be disregarded in the assessment of confusing similarity for the purposes of the first element of the Policy. Accordingly, the disputed domain name is confusingly similar to the Complainant's mark for the purposes of the Policy. See [WIPO Overview 3.0](#), sections 1.7 and 1.8.

Therefore, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests, Bad Faith, and Scope of the Policy

The disputed domain name is used in connection with a commercial website where the Respondent provides information about itself and its power connector products. The website prominently displays a stylized SMH

logo, for which the Respondent and Shenzhen Anderson hold trademark registrations. The letters SMH correspond to the initial element of the disputed domain name, while the second element of the disputed domain name (“power”) describes the sector in which the Respondent operates (i.e., power connectors).

The Panel considers that a respondent’s trademark rights would ordinarily support a finding that it has rights or legitimate interests in the disputed domain name. See [WIPO Overview 3.0](#), section 2.12.1. At the same time, trademark rights do not automatically confer rights or legitimate interests on a respondent for the purposes of the Policy where, for example, the overall circumstances demonstrate that the trademark was obtained primarily to circumvent the application of the Policy or otherwise to prevent the Complainant’s exercise of its rights. See [WIPO Overview 3.0](#), section 2.12.2.

In the present case, Shenzhen Anderson owns trademark registrations for the stylized SMH logo, plus another trademark registration for that logo alongside the Chinese characters “森麦汉” (“Sen Mai Han”) as shown on the website associated with the disputed domain name. Several of the trademark registrations are valid in China and another in the European Union. The Respondent proceeds on the assumption that Shenzhen Anderson and itself are one and the same. The Panel notes that their respective addresses (in the Chinese trademark registrations held by Shenzhen Anderson and in the Registrar’s Whois database for the Respondent) are very similar but not identical. A simple company search shows that their registered addresses are in fact identical and that the same individual is the majority shareholder, CEO, general manager and legal representative of both companies.³ The Respondent itself holds a trademark registration for the stylized SMH logo in another jurisdiction (i.e., the Russian Federation). In view of all these circumstances, it is reasonable to infer that the Respondent has obtained certain authorization from Shenzhen Anderson to use the stylized SMH logo in the jurisdiction in which the Respondent is based (i.e., China).

The earliest of these trademark registrations was obtained in 2019, two years before the registration of the disputed domain name. At least one registration of the stylized SMH logo in China and the registration of that mark in the European Union specify goods that the website associated with the disputed domain name offers (i.e., power connectors). Besides its website, the Respondent provides two photographs to demonstrate that it actually uses this mark in connection with these products: one shows a power connector embossed with the stylized SMH logo, while the other shows a box of power connectors packaged in bags that also display the logo.

The Complainant demonstrates that Shenzhen Anderson and the Respondent did not obtain their trademark registrations until many years after the earliest registrations of the Complainant’s SMH and forklift device mark in 2006. The design of the stylized SMH logo is very similar to the Complainant’s former SMH mark (which expired in 2007). The disputed domain name contains the only textual element of that mark (which remains current). As a combination of three letters, “SMH” may have many meanings but the Respondent uses it in connection with goods of a type identical to those of the Complainant (i.e., power connectors). The Complainant declares that it sold over 600,000 SMH-branded connectors per year between 2014 and 2020, including prior to the registration of the Respondent’s mark.

The Respondent alleges that it chose the letters “smh” as the initials of a transliteration of the characters “森麦汉” (“Sen Mai Han”) in its name. Given that those characters are a fairly random combination, meaning “forest”, “wheat, and “Chinese”, respectively, and that the stylized SMH logo was clearly modelled on the Complainant’s former SMH mark, it is plausible that those characters were chosen in the Respondent’s company name as a pretext for the use of the letters “smh” in the logo so as to capitalize on the Complainant’s goodwill in them in the field of connectors. That inference may be strengthened by the fact that the name of the Respondent’s related company, Shenzhen Anderson, incorporates the distinctive part of

³The Panel again notes its general powers articulated inter alia in paragraphs 10 and 12 of the Rules and has searched the China National Enterprise Credit Information Publicity System (www.gsxt.gov.cn/index.html), which is publicly available, to verify the apparent relationship between the two companies. The Panel considers this process of verification useful in assessing the case merits and reaching a decision. See [WIPO Overview 3.0](#), section 4.8.

the name of another third party (i.e., Anderson Power Products, for which the Complainant acts as distributor).

Clearly, this is not a typical cybersquatting dispute. The Panel recalls that it is not a court of general jurisdiction, and that the Policy is not designed to adjudicate all disputes of any kind that relate in any way to domain names. Rather, the Policy establishes a streamlined, inexpensive administrative dispute resolution procedure intended only for the relatively narrow class of cases of “abusive cybersquatting”. The UDRP is not an appropriate procedure to adjudicate a complex trademark dispute such as this one, where the Panel does not have the benefit of witness testimony, disclosure of documents, or the other appropriate instruments that are typically available to assist a court to resolve a dispute between the Parties.

Therefore, the Panel has decided to deny the Complaint, not on the merits, but on the broader ground that the case regarding the disputed domain name is part of a wider, more complex trademark dispute between the Parties that exceeds the scope of the UDRP. The wider dispute can be addressed by a court of competent jurisdiction. See [WIPO Overview 3.0](#), section 4.14.6.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Matthew Kennedy/

Matthew Kennedy

Sole Panelist

Date: April 10, 2025