

ADMINISTRATIVE PANEL DECISION

Manulife (The Manufacturer's Life Insurance Company) v. Holder zhou
Case No. D2025-1903

1. The Parties

The Complainant is Manulife (The Manufacturer's Life Insurance Company), Canada, represented by ZeroFox, United States of America.

The Respondent is Holder zhou, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <cdf-thailandplus.com> is registered with NameSilo, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 12, 2025. On May 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 14, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 15, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant did not file any amendment to the Complaint.

The Center verified that 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 of the Complaint, and the proceedings commenced on May 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 17, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 18, 2025.

The Center appointed John Swinson as the sole panelist in this matter on June 25, 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 Canadian multinational insurance company and financial services provider headquartered in Toronto, Canada. The Complainant is the largest insurance company in Canada, with approximately 38,000 employees. The Complainant operates worldwide, serving over 26 million customers.

The Complainant owns a company called C D F (Thailand) Company Limited (hereafter referred to as "CDF"), a Thailand based financial company. Established in 2004, CDF has served Thailand for 20 years and established itself within its industry. The legal entity registry number for CDF is 0105547154333.

The disputed domain name was registered on September 10, 2024.

The Respondent did not file a Response, so little is known about the Respondent. According to the Registrar's records, the Respondent has an address in Los Angeles, United States.

At one time, the disputed domain name resolved to a webpage that is mostly in Thai, and that has a title "CDF (Thailand) Company Limited".

At the present time, the disputed domain name resolves to an error page.

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 under Thailand trademark law, CDF has met the standard for possessing a common law trademark which affords certain rights and privileges against impersonation.

The Complainant also makes the following submissions:

The disputed domain incorporates "CDF Thailand" with the addition of "plus". The changes made do not create a new or unique phrase that can be fully distinguished from the Complainant. Based on the impersonating content of the website at the disputed domain name, the confusing similarity is intentional.

The disputed domain name currently fully impersonates the Complainant using their logos, address and promotional material.

It is well established that impersonation leveraging the Complainant's mark is a primary example of bad faith. The disputed domain name was registered and is actively being used in bad faith to impersonate the Complainant.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- (i) the disputed 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 respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The onus of proving these elements is on the Complainant.

While the Respondent's failure to file a response does not automatically result in a decision in favour of the Complainant, the Panel may draw appropriate inferences from the Respondent's default (see e.g. *Nike, Inc. v. No Owner / Ashkan Mohammadi*, WIPO Case No. [D2013-1297](#)).

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. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant does not present evidence of, or assert, a relevant registered trademark. The Complainant relies upon unregistered trademark rights.

To establish unregistered trademark rights for purposes of the Policy, the Complainant must show that its trademark has become a distinctive identifier which others would associate with the Complainant's services. See for example *Regal Funds Management Pty Limited v. WhoisGuard Protected, WhoisGuard, Inc. / John Clerk*, WIPO Case No. [D2020-2773](#).

Relevant evidence demonstrating such acquired distinctiveness includes a range of factors such as:

- the duration and nature of use of the mark;
- the amount of sales under the mark;
- the nature and extent of advertising using the mark; and
- the degree of actual public recognition.

The Complainant provides no evidence of actual use or reputation of any trademark. The Complainant provides a list of shareholders and a corporate structure chart, but little more. It is unclear as to the nature of CDF's business. There is no evidence of the Complainant's or CDF's advertising, customers, reputation or the like in respect to the CDF business (or any other business). The Panel has been unable to find any website operated by CDF. It is also not explained why the Complainant, and not CDF, would own such asserted unregistered trademark rights.

See, for example, *Apollo International Limited v. Whois Privacy Service / Numan Sachwani / Threads of Apollo Designs Ltd.*, WIPO Case No. [D2019-0342](#); and *Sonen (Société de Negoce de Normandie) v. Name Redacted*, WIPO Case No. [D2022-3461](#).

Establishing a company called "C D F (Thailand) Company Limited" does not, of itself, establish trademark rights for the purposes of the Policy. *Capital Bay Funding, LLC v. Capital Bay Funding LLC, Capital Bay Funding LLC*, WIPO Case No. [D2025-1080](#).

The Panel finds the Complainant has not established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3.

As stated in the *Capital Bay Funding* case cited above:

“Although the result here may appear ‘harsh’, the Panel should not expand or rewrite the Policy because of a problematic result for Complainant. Panelists adhere to a consistent standard. The requirement of demonstrating rights in a trademark is an immutable element of the Policy.”

The Panel finds the first element of the Policy has not been established.

B. Rights or Legitimate Interests

In view of the findings in respect of the first and third elements of the Policy, the Panel does not need to address this element of the Policy.

C. Registered and Used in 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.

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

The Complainant’s case is that the Respondent is impersonating CDF. The Complaint submits:

“The full use of CDF logos, marketing material and address with no alteration to distinguish it from them indicates that the Respondent is aware of them and is attempting to leverage their trademark for their own gain. The Respondent is likely attempting to steal consumer data through the presence of fake login pages on the disputed domain.”

The Complaint includes a one-page screen capture of the website at the disputed domain name as at April 18, 2025. This webpage is in Thai; no translation was provided. The Complaint does not include any evidence to show how the Complainant or CDF used its asserted trademark. For example, the Panel is unable to compare the website at the disputed domain name with the Complainant’s logos and marketing materials to determine if the website at the disputed domain name is impersonating the Complainant. As far as the Panel can determine, there is no address on the website at the disputed domain name as set out in the Complainant’s evidence, so the Panel cannot determine (as asserted by the Complainant) that the Respondent is using the Complainant’s address for purposes of impersonation.

No evidence was provided by the Complainant of the alleged “fake login pages”. The Panel cannot determine (as asserted by the Complainant) that the Respondent “is likely attempting to steal consumer data through the presence of fake login pages on the disputed domain.”

No evidence was provided of any person who was tricked by the website at the disputed domain name.

An asserting party needs to establish that it is, more likely than not, that the claimed fact is true. An asserting party cannot meet its burden by simply making conclusory statements unsupported by evidence. To allow a party to merely make factual claims without any supporting evidence would essentially eviscerate the requirements of the Policy as both complainants or respondents could simply claim anything without any proof. For this reason, UDRP panels have generally dismissed factual allegations that are not supported by any bona fide documentary or other credible evidence. *Captain Fin Co. LLC v. Private Registration, NameBrightPrivacy.com / Adam Grunberg*, WIPO Case No. [D2021-3279](#).

The Panel recognizes that its decision means the Complainant is unable to succeed against the Respondent notwithstanding the latter's alleged fraudulent activity.

If the Complainant is able to overcome its lack of trademark rights, for example by obtaining a relevant registered trademark, the Panel concludes that, if the Respondent's activity in question is continuing and proven by the Complainant with the corresponding evidence (for example, showing the Complainant's use of CDF logos and marketing materials and the reasons why the Respondent's behavior targets the Complainant), then the Complainant should not be barred by this decision from filing a new UDRP complaint. *Sonen (Société de Negoce de Normandie) v. Name Redacted*, WIPO Case No. [D2022-3461](#)

In this context, the Panel notes that the requirement for a relevant trademark right is satisfied by a registered trademark which post-dates the activity complained of – see [WIPO Overview 3.0](#), section 1.1.2.

See also [WIPO Overview 3.0](#), section 4.18, as to a refiling complaint.

The Panel finds the third element of the Policy has not been established.

7. Decision

For the foregoing reasons, the Complaint is denied.

/John Swinson/

John Swinson

Sole Panelist

Date: July 9, 2025