

ADMINISTRATIVE PANEL DECISION

Mixue Bingcheng Co., Ltd. v. Nguyen Trung Nghia
Case No. D2025-2874

1. The Parties

The Complainant is Mixue Bingcheng Co., Ltd., China, represented by Chofn Intellectual Property, China.

The Respondent is Nguyen Trung Nghia, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <mixuevietnam.com> is registered with Porkbun LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 21, 2025. On July 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 22, 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 (Private by Design, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 22, 2025, 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 July 23, 2025.

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 July 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 13, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 19, 2025.

The Center appointed Angelica Lodigiani as the sole panelist in this matter on August 22, 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 Chinese company operating in the field of freshly made fruit drinks, tea drinks, ice cream and coffee. As of December 31, 2024, the Complainant has established a network of more than 46,000 stores in China and abroad. The Complainant opened its first store in Hanoi, Viet Nam, in 2018. Since 2022, the Complainant's revenues and profits have achieved rapid growth. On March 3, 2025, the Complainant was listed on the Hong Kong Stock Exchange raising more than USD 400 million in the initial public offering of its shares. In 2025, the Complainant became the food and beverage chain with one of the largest number of locations in the world. In 2024, the Complainant received many awards for its business activity in different areas, such as quality and safety, innovation, social responsibility, etc.

The Complainant is the owner of the MIXUE mark, registered in various jurisdictions worldwide, among which the following:

- MIXUE (word), Vietnamese registration No. 384655, registered on April 15, 2021, for goods and services in classes 29, 30, 32, and 35; and
- MIXUE (figurative), Vietnamese registration No. 461246, registered on October 5, 2023, for goods and services in classes 29, 30, 32, and 35.

The disputed domain name was registered on July 29, 2024. The Respondent appears to be an individual with an address in Hanoi, Viet Nam. The disputed domain name resolves to a website featuring the MIXUE trademark and purportedly offering for sale the Complainant's products.

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 MIXUE mark, as it englobes it entirely and the addition of the geographic term "Vietnam" cannot prevent a finding of confusing similarity.

The Complainant further contends that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant did not authorize the Respondent to use its MIXUE mark in any manner, including as part of the disputed domain name. The Respondent is not the Complainant's distributor or partner and does not own any registered trademark right for the term "mixue". The Respondent is using the disputed domain name to access a website for its own commercial interests. The Respondent's website is misleading as it does not disclose its relationship with the Complainant.

Lastly, the Complainant believes that the Respondent registered and is using the disputed domain name in bad faith. The MIXUE trademark is widely known and distinctive, and the Respondent did not register the disputed domain name accidentally. Rather, the Respondent was well aware of the existence of the Complainant's mark at the time of the registration of the disputed domain name, which is also confirmed by the contents of the Respondent's website. Actual or inferred knowledge of a trademark enjoying extensive reputation by an unrelated third party amounts to registration in bad faith.

As to use in bad faith, the Respondent is using the disputed domain name to resolve to a misleading website, which features the Complainant's mark and fails to disclose the absence of relationship with the Complainant. Accordingly, the Respondent is using the disputed domain name to intentionally attempt to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement of the Respondent's website.

B. Respondent

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

6. Discussion and Findings

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 has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. The Complainant is the owner of the trademark MIXUE registered in Viet Nam since 2021.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of the term "vietnam" may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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

B. Rights or 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 overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks 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.

The Respondent has no relationship with the Complainant, and the Complainant did not authorize the Respondent to make use of its MIXUE mark in any manner whatsoever, including as part of the dispute domain name. Nothing in the case file shows that the Respondent might have been commonly known by the disputed domain name.

The nature of the disputed domain name falsely suggests an affiliation with, or endorsement by, the Complainant. The disputed domain name reproduces the Complainant's mark entirely with the addition of geographical term "vietnam", which is one of the countries where the Complainant operates. Accordingly, Internet users are induced to believe that the disputed domain name leads to the Complainant's Vietnamese website. Such composition of the disputed domain name cannot constitute fair use as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

The disputed domain name leads to a website featuring the Complainant's MIXUE mark on various occasions and purportedly offering for sale the Complainant's products. In accordance with the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the Rules, the Panel has compared the Respondent's website and the Complainant's websites and has so ascertained that not only the Respondent's website depicts numerous times the MIXUE mark, but also the Complainant's Snow King mascot, which is another distinctive element of the Complainant, and the images of the Complainant's ice creams and beverages. Moreover, rather than clarifying the absence of a relationship with the Complainant, the Respondent's website contains, at the bottom of the home page, the following wording (automatic machine translation from Vietnamese to English):

"Mixue entered the Vietnamese market in 2018 before Haidilao and after Dookki. In less than 5 years, Mixue has achieved a scale that no other F&B brand has reached yet. In mid-April 2023, Mixue announced that it had reached 1,000 stores in Vietnam.

You can find Mixue near you here
Mixue branch system in Vietnam
Mixue Hanoi branch
Mixue Ho Chi Minh City branch
Mixue Da Nang
What time does Mixue open?

All Mixue ice cream shops open from 8:00 am and close at 11:00 pm.
See now: Mixue menu to enjoy."

The Respondent's website also contains a short history of the Complainant, and the contact page reports the Complainant's name and an address in Hanoi, Viet Nam.

Accordingly, the Respondent's website is highly misleading; through the disputed domain name, the Respondent is clearly impersonating the Complainant and attempting to deceive the Complainant's prospective customers by inducing them into believing that they have accessed the Complainant's official Vietnamese website or at least a Vietnamese website sponsored or endorsed by the Complainant.

Panels have held that the use of a domain name for illegitimate activity, such as impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

For the reasons mentioned above, the Panel finds the second element of the Policy has been established.

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.

Considering the fast expansion and size of the Complainant's business, the numerous awards it has received, its high annual revenues and profits, the widespread use of the MIXUE mark, and the absence of any evidence or argument to the contrary from the Respondent, the Panel is inclined to conclude that the MIXUE mark enjoys reputation in its field, at least in Asia, including Viet Nam where the Complainant began to operate in 2018. Accordingly, the Panel is of the opinion that the Respondent was aware of the Complainant's MIXUE mark when it registered the disputed domain name. This belief is also confirmed by the contents of the Respondent's website, which displays the MIXUE mark, reproduces the Complainant's mascot and depicts the Complainant's products. Moreover, as previously indicated, the Respondent's website includes explicit references to the Complainant, such as its name and a summary of its history. The registration of a domain name confusingly similar to a third party's distinctive mark without rights or legitimate interests amounts to registration in bad faith.

The disputed domain name resolves to a website which purportedly offers for sale the Complainant's products. Such website does not contain any indication of who is responsible for the e-commerce activity carried out through the disputed domain name. It also does not contain a disclaimer as to the lack of association with the Respondent. Accordingly, the Panel finds that by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website.

Panels have held that the use of a domain name for illegitimate activity, such as the one described above, i.e. impersonation/passing off constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

In light of the foregoing, the Panel finds that the Complainant has established the third element of the Policy.

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 disputed domain name <mixuevietnam.com> be transferred to the Complainant.

/Angelica Lodigiani/

Angelica Lodigiani

Sole Panelist

Date: September 5, 2025