

ADMINISTRATIVE PANEL DECISION

Midea Group Co. Ltd v. Vuttikai Chalermchuang
Case No. D2025-4049

1. The Parties

Complainant is Midea Group Co. Ltd, China, represented by Kolster Oy Ab, Finland.

Respondent is Vuttikai Chalermchuang, Thailand.

2. The Domain Name and Registrar

The disputed domain name <comfee.net> is registered with Squarespace Domains II LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 3, 2025. On October 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same date, 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 Complainant on October 6, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on October 7, 2025.

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 Respondent of the Complaint, and the proceedings commenced on October 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 27, 2025. The Response was filed with the Center on October 15, 2025.

The Center appointed Stephanie G. Hartung as the sole panelist in this matter on October 23, 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

Complainant is a company organized under the laws of China that is active in the global technology industry and covers six business segments, including smart home, building technologies, industrial technology, robotics and automation, healthcare, as well as smart logistics.

Complainant has demonstrated that it enjoys – through a subsidiary company GD Midea Air-Conditioning Equipment Co., Ltd. – registered trademark rights in its COMFEE brand, including, but not limited to, the following:

- word/device trademark COMFEE, Department of Intellectual Property (DIP) Thailand, application number: 794552, application date: January 25, 2011, registration date: January 16, 2013, status: active;
- word/device trademark COMFEE, China National Intellectual Property Administration (CNIPA), registration number: 6648085, application date: April 9, 2008, registration date: May 14, 2010, status: active;
- word/device trademark COMFEE, Instituto Nacional da Propriedade Industrial (INPI) Brazil, registration number: 829766944, application date: June 20, 2008, registration date: September 28, 2010, status: active.

Respondent is residing in Thailand. The disputed domain name was registered on November 24, 2008; by the time of submitting the Complaint, it did not resolve to any content on the Internet. Besides, Respondent provided evidence of previous use of the disputed domain name for a Thai IT-services website.

Complainant requests that the disputed domain name be transferred to Complainant. Respondent, in turn, requests that the Complaint be dismissed.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name. Notably, Complainant contends that it was founded back in 1968 and meanwhile operates more than 400 subsidiaries, 38 R&D centers and 60 production bases across more than 200 countries and regions worldwide.

Complainant submits that the disputed domain name is identical to Complainant's COMFEE trademark. Moreover, Complainant asserts that Respondent has no rights or legitimate interests in respect of the disputed domain name since the latter does not appear to be connected to any activity or active website. Finally, Complainant argues that Respondent has registered and is using the disputed domain name in bad faith since (1) the disputed domain name was first registered on November 24, 2008, which is after the date of many of Complainant's trademark applications and registrations, (2) Complainant's COMFEE brand is well known throughout the world and it is inconceivable that Respondent hasn't been aware thereof, and (3) there is no evidence of any good faith use of the disputed domain name.

B. Respondent

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

Respondent submits that it has rights and legitimate interests in respect of the disputed domain name since (1) the latter was registered on November 24, 2008, and was actively used between 2008 and 2017 for a genuine local business provider computer repair and IT services in Bangkok, (2) Respondent discontinued the business around 2017 due to health-related issues, however, the disputed domain name was kept for personal and email use only, and was never used for any misleading, competitive, or bad faith purpose, and

(3) Respondent's business and IT services bears no connection to Complainant's home appliance industry and there has never been any attempt to capitalize on Complainant's trademarks or goodwill. Moreover, Respondent asserts that it has neither registered nor is it using the disputed domain name in bad faith since (1) by the time of the registration of the disputed domain name in 2008, Complainant's COMFEE brand had no reputation or presence in Thailand, rather Complainant's COMFEE trademark was filed only in 2011 and officially launched only in late 2022, (2) the name "comfee" was chosen independently, as a creative combination reflecting "computer fee" for local IT service and not based on a firm trademark awareness, and (3) Respondent has never offered the disputed domain name for sale, never used it to disrupt the Complainant's business, and never sought to mislead consumers; rather Respondent's consistent conduct over 17 years demonstrates good faith ownership.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, Complainant carries the burden of proving:

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

A. Identical or Confusingly Similar

First, 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 Complainant's COMFEE 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.

Complainant has shown rights in respect of its COMFEE trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. Also, the entirety of such trademark is reproduced within the disputed domain name without any additions or alterations whatsoever. Accordingly, the disputed domain name is identical to Complainant's COMFEE trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel, therefore, holds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Second, paragraph 4(c) of the Policy provides a list of circumstances in which 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.

Complainant's submissions with respect to Respondent's rights or legitimate interests in the disputed domain name are limited to the assertion that no such rights or legitimate interests may exist since the disputed domain name does not appear to be connected to any activity or active website. Indeed, by the time of the rendering of this Decision, the disputed domain name does not resolve to any content on the Internet. In turn, Respondent has demonstrated by reference being made to the Internet Archive Wayback Machine at

“www.archive.org” that between February 16, 2012, and October 1, 2017, the disputed domain name was actively used for some IT related repair business in Thailand, which according to Respondent was discontinued around 2017 due to health-related issues. In connection with the assessment of whether this kind of previous use establishes rights or legitimate interests of Respondent in the disputed domain name, the Panel notes that other UDRP panels tend to render such assessment with a view to the circumstances prevailing at the time of the filing of the complaint; by the same time, UDRP panels will often also consider any evidence of previous legitimate use under the third UDRP element. [WIPO Overview 3.0](#), section 2.11.

Against this background, the Panel has decided to leave open whether or not Complainant has established the second element of the Policy for the reasons set out in Section C. below in relation to the third UDRP element. See also [WIPO Overview 3.0](#), section 4.2.

C. Registered and Used in Bad Faith

Third, 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. In light of the findings under Section B. above, it is reiterated that Complainant must prevail on all three elements to succeed in this UDRP proceeding.

Complainant has brought forward basically three arguments as to why Respondent has registered and is using the disputed domain name in bad faith. Having reviewed the available record, the Panel, however, finds that none of those arguments is suitable to find for bad faith acting on the part of Respondent. In detail:

- Complainant points to the fact that the disputed domain name was first registered by Respondent on November 24, 2008, which is after the date of some of Complainant’s COMFEE trademark applications and registrations, e.g. in China and Brazil. Considering that Respondent is residing in Thailand and has been doing local business there in the past, it must, however, be noted that Complainant applied for trademark rights in Thailand only on January 25, 2011, and acquired them finally on January 16, 2013, which was well after the registration of the disputed domain name by Respondent.
- Complainant further alleges that its COMFEE brand is well known throughout the world, and it is inconceivable that Respondent hasn’t been aware thereof. Taking a closer look at the evidence submitted by Complainant in that respect (e.g. excerpts from Complainant’s annual business report of 2023 and other marketing material of 2025), it must, however, be noted that Complainant has brought nothing forward to demonstrate that its COMFEE trademark had achieved a relevant level of recognition already back in 2008 and that it was at least more likely than not that Respondent must have been aware thereof, notably in Thailand, when registering the disputed domain name.
- Moreover, Complainant purports that there was no evidence of any good faith use of the disputed domain name. In contrast thereto, Respondent has demonstrated by reference being made to the Internet Archive Wayback Machine at “www.archive.org” that between February 16, 2012, and October 1, 2017, the disputed domain name was actively used for some IT related repair business in Thailand, which was apparently discontinued around 2017 due to health-related issues on the part of Respondent and kept ever since for email and private purposes; the website under the disputed domain name at “www.comfee.net” did not refer to Complainant or any business similar to Complainant’s business. Such previous and obviously legitimate use of the disputed domain name over a period of more than five years allows to conclude that Respondent neither acquired the latter in 2008 primarily for the purpose of selling, renting, or otherwise transferring it to Complainant or to disrupt Complainant’s business, nor has Respondent engaged in a pattern of conduct to prevent Complainant from reflecting its COMFEE trademark in a domain name, nor has Respondent intentionally attempted to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusion with Complainant’s COMFEE trademark.

Accordingly, there is no evidence given that Respondent registered and is using the disputed domain name in bad faith within the prerequisites of paragraph 4(b) of the Policy.

Such finding is also supported by the fact that Respondent apparently never offered the disputed domain name for sale, neither to Complainant nor to any third party, and never used it for any business or other activity that would mislead consumers or otherwise unduly ride on the recognition which Complainant's COMFEE trademark may have meanwhile achieved.

The Panel, therefore, holds that the third element of the Policy has not been established.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Stephanie G. Hartung/

Stephanie G. Hartung

Sole Panelist

Date: October 30, 2025