

ADMINISTRATIVE PANEL DECISION

Mixue Bingcheng Co., Ltd. v. Hiep Nguyen, Hiep Nguyen
Case No. D2025-5056

1. The Parties

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

The Respondent is Hiep Nguyen, Hiep Nguyen, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <mixueus.com> is registered with Cosmotown, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 5, 2025. On December 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 8, 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 (Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 8, 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 December 10, 2025. Further, the Respondent sent two email communications to the Center on December 9, 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 December 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 31, 2025. Accordingly, the Center notified the Parties of the commencement of panel appointment process on January 2, 2026.

The Center appointed Karen Fong as the sole panelist in this matter on January 8, 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

Established in China in 2008, the Complainant is a global chain of stores selling beverages, tea drinks, ice cream, and coffee under two brands MIXUE and LUCKY CUP. As of December 31, 2024, the Complainant has more than 46,000 stores across China and 11 other countries. In a recent Wall Street Journal article in 2025, the Complainant is said to have become the world's largest restaurant chain by number of outlets.

The Complainant's MIXUE trade mark is registered in many jurisdictions including the following:

- European Union Trade Mark Registration No. 017253295 for MIXUE registered on February 13, 2018;
- Indonesian Trade Mark Registration No. IDM000939245 for MIXUE registered on December 28, 2021; and
- Singapore Trade Mark Registration No. 40202122916T for MIXUE registered on March 8, 2022.

(individually and collectively known as the "Trade Mark").

The Complainant uses a logo which features a white cartoon snowman wearing a white crown and a red cape while holding a golden ice cream scepter (the "Logo").

The Respondent, who appears to be based in Viet Nam, registered the disputed domain name on February 21, 2025. The disputed domain name resolves to a website which prominently features the Trade Mark and the Logo as well as images of the Complainant's products. On the footer of the home page under the Trade Mark and Logo, it says "Mixue Ice Cream & Tea, a Chinese franchise founded in 1997, operates over 45,000 stores globally, primarily through franchising" (the "Website").

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 identical or confusingly similar to the Trade Mark, that the Respondent has no rights or legitimate interests with respect to the disputed domain name, and that the disputed domain name was registered and is being used in bad faith.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions. In two informal email communications with the Center before notifying the Complaint, the Respondent stated that he had created the Website for the purpose of providing updated information about the Complainant's locations in the United States of America ("United States"), and that he had never intended to cause conflict, impersonation, or to mislead users. He indicated that he was willing to co-operate if the Complainant required any changes to the content or wished to request updates. He also stated that, if the Complainant wished to take over the disputed domain name, he would be open to transferring it, and expressed the hope that the Parties could reach a fair resolution, noting that he had invested significant effort in developing what he had described as a community-oriented blog. He said that he created a review website about MIXUE with the sole purpose of sharing information, updates, and community discussions about MIXUE products, which reflects a positive view of MIXUE. He has invested significant time in producing positive review content about MIXUE and has incurred operational costs in maintaining the site.

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 identity or confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trade mark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

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

While the addition of the letters "us" after the Trade Mark may bear on assessment of the second and third elements, the Panel finds the addition of the word does not prevent a finding of confusing similarity between the disputed domain name and the Trade Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Based on the available record, 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.

While 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 often impossible 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. 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 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 Panel has taken into account the Respondent's informal email communications to the Center prior to the notification of the Complaint, in which he stated that he created the Website for the purpose of providing updated information about the Complainant's locations in the United States, denied any intention to mislead users, and expressed a willingness to cooperate or transfer the disputed domain name.

The question here is whether the Website supports a claim that the Respondent's use constitutes a legitimate noncommercial or fair use of the Trade Mark. In relation to its composition, the disputed domain name incorporates the Trade Mark in its entirety together with the geographical term "us". Such an addition does not support a finding of fair use, but rather tends to suggest impersonation of, affiliation with, or endorsement by the trade mark owner, in particular by conveying that the Website represents the Complainant's official United States site. [WIPO Overview 3.0](#), section 2.5.1.

The Respondent failed to file a formal response and has therefore not substantiated his informal assertions that the Website is genuinely noncommercial or constitutes fair use. In particular, it is not clear from the record that the Website has not been used for commercial gain, especially given the Respondent's statement that he had invested significant effort in building what he described as a "community-oriented blog," and his

expressed desire to reach a “fair resolution” in connection with a possible transfer of the disputed domain name. In the absence of any supporting evidence, the Panel is unable to conclude that the Respondent’s use is genuinely noncommercial or fair.

Further, the Respondent’s prominent use of both the Trade Mark and Logo gives the overall impression that the Website is operated by, or affiliated with, the Complainant. When the Complaint was filed, the “Our Story” page included a disclaimer stating “we are not affiliated with Mixue [...],” but it was embedded within the Complainant’s introduction and could be easily missed by users. While the Panel notes that certain changes appear to have been made to the Website following receipt of the Complaint, including the addition of a disclaimer on the homepage of the Website, no such disclaimer was present at the time the Complaint was filed. In any event, the overall layout and presentation of the Website, in which the Trade Mark and Logo continue to feature prominently, do not convey the appearance of an independent community blog.

In the absence of any substantiated evidence supporting a legitimate noncommercial or fair use, and having regard to the overall circumstances of the case, the Panel finds that the Respondent has failed to establish rights or legitimate interests in the disputed domain name. The nature of the disputed domain name coupled with the use of the disputed domain name to resolve to a Website that impersonates, or at least strongly suggests affiliation with, the Complainant affirms the Respondent’s intention to take unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant’s Trade Mark as to the source, origin, or affiliation of the Website.

Based on the available record, 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.

In the present case, the Panel considers it evident that the Respondent was aware of the Trade Mark when registering the disputed domain name, given the Trade Mark’s reputation and the use of the Trade Mark and Logo and references to the Complainant on the Website as well as the Respondent’s stated intention to provide information about the Complainant’s locations in the United States.

In the [WIPO Overview 3.0](#), section 3.2.2 states as follows:

“Noting the near instantaneous and global reach of the Internet and search engines, and particularly in circumstances where the complainant’s mark is widely known (including in its sector) or highly specific and a respondent cannot credibly claim to have been unaware of the mark (particularly in the case of domainers), panels have been prepared to infer that the respondent knew, or have found that the respondent should have known, that its registration would be identical or confusingly similar to a complainant’s mark. Further factors including the nature of the domain name, the chosen top-level domain, any use of the domain name, or any respondent pattern, may obviate a respondent’s claim not to have been aware of the complainant’s mark.”

The fact that there is a clear absence of rights or legitimate interests coupled with the Respondent’s choice of the disputed domain name incorporating the Trade Mark with a geographical term at the end without authorization is also a significant factor to consider. The disputed domain name falls into the category stated above and the Panel finds that registration is in bad faith.

The disputed domain name is also being used in bad faith. The Panel finds that the Respondent has intentionally used the disputed domain name in a manner calculated to create a false impression of association with the Complainant. The disputed domain name incorporates the Trade Mark in its entirety together with the geographical term “us,” which naturally conveys to Internet users the impression that the Website is the Complainant’s official United States site. This misleading impression is reinforced by the prominent and repeated use of the Trade Mark and the Complainant’s Logo throughout the Website, as well

as by the overall layout and presentation of the site, which does not clearly convey that it is independent, unofficial, or unaffiliated. In these circumstances, Internet users are likely to be misled into believing that the Website is operated, authorised, or endorsed by the Complainant.

The Respondent has failed to demonstrate that the Website has been used for any genuine noncommercial or fair purpose. To the contrary, the Respondent's reference to having invested "significant effort" in building the website and his request for a "fair resolution" in connection with a potential transfer of the disputed domain name support the inference that the Respondent derived, or intended to derive, some form of benefit from his use of the disputed domain name, whether direct or indirect. In any event, even in the absence of direct commercial gain, the deliberate creation of a likelihood of confusion for purposes of attracting Internet users to a website that falsely suggests affiliation with the trade mark owner constitutes bad faith use within the meaning of paragraph 4(b)(iv) of the Policy.

Further, the Panel notes that changes appear to have been made to the Website following receipt of the Complaint, including the addition of a disclaimer on the homepage of the Website purporting to deny any affiliation with the Complainant. Such post-Complaint modifications do not cure prior bad faith use and, if anything, tend to confirm the Respondent's awareness that the original presentation of the website was misleading.

It is highly likely that Internet users who type the disputed domain name into their browser or encounter it via a search engine would expect to reach a website operated by the Complainant. The disputed domain name wholly incorporates the Trade Mark and has been used in a manner that reinforces that false association, thereby increasing the risk of confusion.

In light of the above, the Panel concludes that 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 Trade Mark as to the source, sponsorship, affiliation, or endorsement of the Website and the products offered on it, within the meaning of paragraph 4(b)(iv) of the Policy.

Accordingly, the Panel finds that the disputed domain name has been registered and is being used in bad faith, and that the third element of the Policy has been established. Based on the available record, 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 disputed domain name <mixueus.com> be transferred to the Complainant.

/Karen Fong/
Karen Fong
Sole Panelist
Date: January 28, 2026