

ADMINISTRATIVE PANEL DECISION

Mackintosh Limited v. 苗振涛 (miao zhen tao)
Case No. D2026-0062

1. The Parties

The Complainant is Mackintosh Limited, United Kingdom, represented by Fox Williams LLP, United Kingdom.

The Respondent is 苗振涛 (miao zhen tao), China.

2. The Domain Name and Registrar

The disputed domain name <mackintosh.shop> is registered with Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn) (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on January 9, 2026. On January 9, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 12, 2026, 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 January 13, 2026, 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 in English on January 14, 2026.

On January 13, 2026, the Center informed the parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On January 14, 2026, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 in Chinese and English of the Complaint, and the proceedings commenced on January 16, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 5, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 6, 2026.

The Center appointed Deanna Wong Wai Man as the sole panelist in this matter on February 12, 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

The Complainant is established in the United Kingdom and states that it is one of the leading outerwear (coat and jacket) brands worldwide. Founded in 1824, the Complainant operates several retail stores in the United Kingdom and Japan, and it delivers its products globally. The Complainant further submits that it enjoys a strong presence and following on social media, reflecting the recognition and commercial reach of its brand.

The Complainant provides evidence that it, and its group companies, own an extensive portfolio of trademark registrations for MACKINTOSH-formative marks, including, inter alia, the following figurative marks in which "mackintosh" is the sole textual element: United Kingdom Trademark Registration No. UK00801227857, registered on October 20, 2015 in Class 16; United Kingdom Trademark Registration No. UK00003062536, registered on December 12, 2014 in Class 16; United Kingdom Trademark Registration No. UK00910611382, registered on August 22, 2012 in Classes 3, 9, 14, 18, 24 and 25; International Trademark Registration No. 1142456, registered on February 7, 2012 in Classes 3, 9, 14, 18, 24 and 25; and European Union Trade Mark Registration No. 010611382, registered on August 22, 2012 in Classes 3, 9, 14, 18, 24 and 25.

The Complainant also owns the <mackintosh.com> domain name since July 26, 1995, which resolves to its official website and through which it conducts its business.

The disputed domain name was registered on June 25, 2025. Following its registration, it resolved to an active website, predominantly in English, offering for sale clothing products of various commercial origins. As at the date of this Decision, however, the disputed domain name no longer resolves to an active website and instead directs to an inactive or 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 it has established rights in the mark MACKINTOSH through extensive registered and unregistered use. It relies on numerous trademark registrations in multiple jurisdictions for word and figurative marks in which "mackintosh" is the dominant or sole textual element, which, it argues, suffices to demonstrate standing under the first element of the Policy. The Complainant further contends that, through longstanding use since 1824, operation of its principal website at the domain name <mackintosh.com> since 1995, international retail presence, substantial social media following, and widespread media recognition, the mark has acquired significant distinctiveness and goodwill. The Complainant argues that the disputed domain name incorporates the MACKINTOSH mark in its entirety and is therefore identical or, at a minimum, confusingly similar to the Complainant's mark; the generic Top-Level Domain ("gTLD") ".shop" is a technical requirement of registration and is to be disregarded for purposes of comparison.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. According to the Complaint, the Respondent is using the disputed domain name to offer clothing goods identical or highly similar to those of the Complainant, through a website that appears to replicate content, imagery, and contact details from unrelated third-party sites and that offers heavily discounted branded goods suggestive of counterfeit activity. Such use, the Complainant contends, cannot constitute a bona fide offering of goods or services under paragraph 4(c)(i) of the Policy. The Complainant further states that the Respondent is not affiliated with or authorized by the Complainant, is not commonly known by the disputed domain name, and is not making a legitimate noncommercial or fair use of it; rather, the Respondent's use of a domain name identical to the Complainant's mark carries a high risk of implied affiliation and falsely suggests sponsorship or endorsement, thereby misleading consumers for commercial gain.

The Complainant contends that the disputed domain name was registered and is being used in bad faith within the meaning of paragraph 4(a)(iii) of the Policy. It submits that, by using the disputed domain name identical to the MACKINTOSH mark in connection with the sale of clothing goods, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion as to source, sponsorship, affiliation, or endorsement, within the meaning of paragraph 4(b)(iv) of the Policy. The Complainant further argues that such conduct disrupts its business, prevents it from reflecting its mark in the corresponding ".shop" gTLD, and exposes its reputation and goodwill to damage, particularly in light of the alleged sale of counterfeit or substandard goods. In these circumstances, the Complainant submits that the Respondent's registration and use of the disputed domain name constitute bad faith under the Policy.

B. Respondent

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

6. Discussion and Findings

6.1 Preliminary Issue: 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 and amended Complaint were filed in English. The Complainant requested that the language of the proceeding be English, arguing that the disputed domain name is composed of Latin letters and incorporates the English-script gTLD ".shop", and that the website to which it resolved was predominantly in English, including the contact email address displayed thereon, which indicates that the Respondent has an understanding of English. The Complainant further submitted that English is the language of international commerce, that both the Complainant and its representative are based in the United Kingdom and are fluent only in English, and that requiring translation of the Complaint and its annexes into Chinese would result in unnecessary delay and disproportionate expense. In the absence of any objection from the Respondent demonstrating an inability to understand English, the Complainant contended that it would be fair and procedurally efficient for the proceeding to be conducted in English.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

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 of WIPO Panel Views on Selected UDRP Questions ("[WIPO Overview 3.1](#)"), 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.

6.2 Findings on the Merits

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 3.1](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the textual part of the Complainant's logo mark is reproduced within the disputed domain name with no further additions. Accordingly, the disputed domain name is identical to the textual part of the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

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 domain names 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 3.1](#), 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.

Moreover, upon review of the facts and evidence, the Panel notes that the Respondent is not commonly known by the disputed domain name, is not licensed by the Complainant to use the MACKINTOSH mark in any way and has not provided any evidence of the use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. Instead, the Panel notes that the disputed domain name previously resolved to an active website, evidencing a clear intent on the part of the Respondent to divert Internet traffic through the use of the Complainant's MACKINTOSH mark in the disputed domain name to lead it to an unrelated website offering competing clothing products (including alleged counterfeit products from other commercial origin) for commercial gain. The Panel finds that such

use of the Complainant's mark in the disputed domain name to direct users to a site where competing products are offered does not support a claim to rights or legitimate interests, see [WIPO Overview 3.1](#), section 2.5.3.

Finally, the Panel notes that on the date of this Decision, the disputed domain name directs to an error or inactive webpage. In this regard, the Panel finds that holding a domain name passively, without making any use of it, also does not confer any rights or legitimate interests in the disputed domain name on the Respondent in this case (see in this regard earlier UDRP decisions such as *Bollore SE v. 赵竹飞 (Zhao Zhu Fei)*, WIPO Case No. [D2020-0691](#); and *Vente-Privee.Com and Vente-Privee.com IP S.à.r.l. v. 崔郡 (jun cui)*, WIPO Case No. [D2021-1685](#)).

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 notes that the Respondent registered the disputed domain name which contains the Complainant's intensively used mark in its entirety, and that the Complainant's mark was registered many years before the registration date of the disputed domain name. The disputed domain name differs from the Complainant's official domain name <mackintosh.com> only by the substitution of the gTLD. The Panel further observes that the Respondent was operating a webshop offering clothing products, i.e. operating in the same commercial sector as that in which the Complainant's MACKINTOSH mark is extensively used and registered. In these circumstances, and given the overlap of the products purportedly offered by the Parties and the Complainant's longstanding reputation in the field of outerwear, the Panel considers that the Respondent was aware of or should have been aware of the Complainant and its trademark rights. The Panel finds that a simple Internet search or trademark search on the date of registration of the disputed domain name would have revealed the Complainant's prior registered rights in MACKINTOSH. Therefore, the Panel finds that by registering the disputed domain name, the Respondent targeted the Complainant's prior trademarks for MACKINTOSH. In the Panel's view, the foregoing elements indicate bad faith on the part of the Respondent, and the Panel therefore finds that it has been demonstrated that the Respondent registered the disputed domain name in bad faith.

As to use of the disputed domain name in bad faith, the Complainant provides evidence that the disputed domain name directed to an active e-commerce store offering competing clothing products (including alleged counterfeit products from other commercial origin) for commercial gain. The Panel concludes from these facts that the Respondent was intentionally attracting Internet users for commercial gain to such website, by creating consumer confusion between the website associated with the disputed domain name and the Complainant's trademark. This constitutes direct evidence of the Respondent's bad faith under paragraph 4(b)(iv) of the Policy. The Panel therefore finds that it has been demonstrated that the Respondent has used and is using the disputed domain name in bad faith.

However, the Panel notes that on the date of this Decision, the disputed domain name directs to an error or inactive website. Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the well-known nature and longstanding use of the Complainant's trademark, the composition of the disputed domain name, and the Respondent's prior use of the disputed domain name, and finds that in the circumstances of this case the current passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

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 <mackintosh.shop> be transferred to the Complainant.

/Deanna Wong Wai Man/

Deanna Wong Wai Man

Sole Panelist

Date: February 19, 2026