

ADMINISTRATIVE PANEL DECISION

Comvita New Zealand Limited and Comvita Limited v. Jian Feng Case No. D2026-1587

1. The Parties

The Complainants are Comvita New Zealand Limited (the “First Complainant”) and Comvita Limited (the “Second Complainant”), New Zealand, represented by AJ Park Law Limited, New Zealand.

The Respondent is Jian Feng, China.

2. The Domain Name and Registrar

The disputed domain name <comvitaus.com> is registered with Gname.com Pte. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on April 15, 2026. On April 15, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 16, 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 (“not available”) and contact information in the Complaint. The Center sent an email communication to the Complainants on April 20, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed amended Complaints in English on April 21 and 22, 2026, respectively.

On April 20, 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 April 22, 2026, the Complainants requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainants’ submission.

The Center verified that the Complaint together with the amended Complaints 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 April 23, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 13, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 15, 2026.

The Center appointed Sok Ling MOI as the sole panelist in this matter on May 20, 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 Complainants, which traced their origin to 1974, are in the natural health and wellness industry, primarily focused on Manuka Honey and bee-derived wellness products. The Second Complainant is the parent company of the First Complainant.¹ The Complainants sell their products into more than 50 countries and have over 550 staff in several countries, namely New Zealand, Australia, the United Kingdom, the United States of America ("USA" or "United States"), China, the Republic of Korea, and Japan. Today, the Complainants are one of the world's largest producers of Manuka Honey.

The Complainants own trade mark registrations for their trade name and product brand COMVITA in several jurisdictions, including New Zealand, Australia, the United Kingdom, European Union, USA, China, and Singapore. These trade mark registrations include:

- New Zealand Registration No. 279155 for COMVITA in Class 3, 5, 29, and 30, registered on July 3, 1998;
- European Union Registration No. 003933331 for COMVITA in Class 3, 5, and 35, registered on September 21, 2005;
- United Kingdom Registration No. UK00002000047 for COMVITA in Class 3, 5, and 31, registered on December 1, 1995;
- United States Registration No. 4061902 for COMVITA in Class 35, registered on November 11, 2011;
- China Registration No. 4044024 for COMVITA in Class 5, registered on February 7, 2007;
- China Registration No. 4044022 for COMVITA in Class 30, registered on May 21, 2006; and
- China Registration No. 4216663 for COMVITA in Class 35, registered on May 28,, 2008.

The Complainants registered their primary domain name <comvita.co.nz> on October 11, 1996, and have been using it to operate their official website. The Complainants also own the following domain names incorporating their trade mark COMVITA:

- <comvita.com>
- <comvita.co>
- <comvita.asia>
- <comvita.eu>
- <comvita.com.cn>
- <comvita-china.com>
- <comvita.com.sg>
- <comvita-singapore.com>
- <comvita.sg>
- <comvita.kr>

¹ Noting in particular the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the UDRP Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision, in particular to affirm or corroborate a party's contention. Section 4.8 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)").

- <comvita.co.kr>
- <comvitakorea.com>
- <comvita-korea.com>

The disputed domain name was registered on February 1, 2026, long after the Complainants began using, and registered, their trade mark COMVITA. According to the evidence submitted by the Complainants, the disputed domain name resolves to a website that purports to offer a range of health and wellness products under the COMVITA brand at significantly reduced prices, with a copyright notice “© 2026 Comvita Limited And Its Subsidiaries. All Rights Reserved”.

5. Parties’ Contentions

A. Complainants

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainants contend that the Respondent’s website closely mimics the Complainants’ website at “www.comvita.co.nz” and reproduces copyrighted images and wordings taken directly from the Complainants’ website.

B. Respondent

The Respondent did not reply to the Complainants’ contentions.

6. Discussion and Findings

6.1. Procedural Issues

A. Consolidation of Multiple Complainants

The Complaint was filed by two Complainants against a single respondent. Both Complainants form part of the same corporate group. The Second Complainant is the parent company of the First Complainant. Both the First Complainant and the Second Complainant own trade mark registrations for COMVITA in various jurisdictions.

The Panel finds that the Complainants have a common legal and commercial interest in the COMVITA trade marks and hence a common grievance against the Respondent’s registration and use of the disputed domain name, such that it is equitable and procedurally efficient to permit the consolidation of their complaints. Therefore, the Complainants are referred to collectively as “the Complainant” below except as otherwise indicated. See section 4.11.1 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions ([“WIPO Overview 3.1”](#)).

B. 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 was filed in English. The Complainant requests that the language of the proceeding be English for several reasons, including the fact that the website to which the disputed domain name resolves contain entirely English contents.

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 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. Substantive Issues

Paragraph 4(a) of the Policy directs that a complainant must prove each of the following three elements to obtain an order for the disputed domain name to be transferred:

- (i) the disputed domain name registered by the respondent is identical or confusingly similar to a trade mark 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.

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 mark is reproduced within the disputed domain name. Although the addition of other terms may bear on assessment of the second and third elements, the Panel finds the addition of such a term (here, the term "us") does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), sections 1.7 and 1.8.

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 that 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 3.1](#), section 2.1.

The Complainant has confirmed that the Respondent is not in any way affiliated with the Complainant or otherwise authorized or licensed to use the COMVITA trade mark or to seek registration of any domain name incorporating the COMVITA trade mark. The Respondent appears to be an individual by the name of "jian feng". There is no evidence suggesting that the Respondent is commonly known by the name "Comvita" or "Comvita US" or has any rights in the term "Comvita" or "Comvita US". According to the evidence by the Complainant, the disputed domain name resolves to a website that purports to offer health and wellness products for sale under the COMVITA brand. The said website reproduces the Complainant's trade marks as well as product images, and named "Comvita Limited And its Subsidiaries" as its copyright owner. The overall look and feel of the website mimics that of the Complainant's official website. According to the Complainant, an attempt by its attorney to make a trap product purchase from the Respondent's website failed as the payment could not be processed, but shortly after, the attorney received an alert from the bank that the credit card provided for the attempted purchase was used to make an unauthorised purchase from a retailer based in the United Kingdom. The Panel finds that such use would not be a bona fide offering of goods or services nor a legitimate noncommercial or fair use. Panels have held that the use of a domain name for attempted passing off or illegal activity can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

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 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 accepts that the Complainant's COMVITA brand enjoys a substantial reputation both online and offline. A simple Internet search would have returned results pointing to the Complainant's business, and hence there is a strong presumption that the Respondent was aware of the Complainant's trade mark when it registered the disputed domain name. By offering health and wellness products for sale under the COMVITA brand on a website which mimics the look and feel of the Complainant's official website, the Respondent is potentially engaging in an act of passing off.

The Panel is therefore satisfied that the Respondent's purpose of registering the disputed domain name was to trade on the reputation of the Complainant and its trade mark by diverting Internet users seeking the Complainant's products to the Respondent's website for commercial gain. By registering the disputed domain name which incorporates the COMVITA trade mark, the Respondent is attempting to create a likelihood of confusion with the Complainant's mark as to source, sponsorship, affiliation, or endorsement of the Respondent's website. The circumstances referred in paragraph 4(b)(iv) of the Policy are applicable to the present case. Panels have held that the use of a domain name for attempted passing off or illegal activity constitutes bad faith. [WIPO Overview 3.1](#), 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.

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 <comvitaus.com> be transferred to the Complainant.

/Sok Ling MOI/

Sok Ling MOI

Sole Panelist

Date: June 12, 2026