ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

Kohler Co. v. 郭田田 (guo tian tian)
Case No. D2026-3375

1. The Parties

The Complainant is Kohler Co., United States of America ("U.S."), represented by Paul Law LLC, dba Paul.Law, U.S.

The Respondent is 郭田田 (guo tian tian), China.

2. The Domain Name and Registrar

The disputed domain name <thekohlergenerators.com> 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 July 30, 2026. On July 30, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 31, 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 August 6, 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 August 10, 2026.

On August 6, 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 August 10, 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 August 11, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 31, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 4, 2026.

The Center appointed Francine Tan as the sole panelist in this matter on September 9, 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 was founded in 1873 and is engaged in the manufacture and sales of kitchen and bath products and accessories, as well as generators. The Complainant's official website is located at "www.kohler.com". Its products are sold worldwide with numerous sales offices in every continent except for Antarctica.

The Complainant is the registered trade mark owner of the KOHLER trade mark. Its trade mark registrations include China Registration Nos. 5212916 and 4917387, registered on December 28, 2010.

In 2024, the Complainant entered into a commercial relationship with Platinum Equity, a California, United States-based private equity firm, and spun off an independent company called Rehlko, operating the generators business under the KOHLER trade mark, under licence from the Complainant.

The disputed domain name was registered on November 1, 2025. The disputed domain name is currently inactive but previously resolved to a website displaying the Complainant's KOHLER trade mark and proprietary photos. The Panel notes that, at the time of capture made by the Complainant, the website's title tag displayed in the browser tab was "Kohler® Generators | Power Systems - US Official Site."

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, firstly, that the disputed domain name is confusingly similar to the Complainant's KOHLER trade mark as it consists of the KOHLER trade mark in its entirety, in combination with the generic terms "the" and "generators". These additional terms do not sufficiently differentiate the disputed domain name from the Complainant's mark. The addition of "generators" aids in creating confusion as the Complainant provides generators under its KOHLER trade mark.

Secondly, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has not granted the Respondent any licence, permission or authorization to use its KOHLER trade mark in a domain name or in any other manner. There is no evidence that the Respondent has been commonly known by the name "thekohlergenerators", or that before any notice of the dispute, the Respondent has used or prepared to use the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services. Instead, the disputed domain name is used to impersonate the Complainant; the Respondent even falsely represents to Internet users that website is owned by the Complainant. Such impersonation does not confer any rights or legitimate interests in the disputed domain name.

Thirdly, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant states that its trade mark has, as a result of the extensive use and registration of the KOHLER and KOHLER family of trade marks around the world, become famous under the laws of the U.S. and countries around the world. The Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by impersonating the Complainant and creating a likelihood of confusion with the Complainant's trade mark as to the source, sponsorship, affiliation, or endorsement of its website. The content of the Respondent's website includes the use of the Complainant's registered KOHLER trade mark and branding that is identifiable with the Complainant. There is no disclaimer of affiliation, and the click-through links to the Complainant's products.

Currently, the Respondent is passively holding the disputed domain name, as it now resolves to a blank page. Under the doctrine of passive holding, the fact that there is no active use of the disputed domain name does not prevent a finding of bad faith use and registration. The Respondent registered a domain name which is confusingly similar to the Complainant's KOHLER trade mark; and the disputed domain name resolved to a webpage using the Complainant's branding and provided links to the Complainant's products, all of which show that the Respondent knew of the Complainant's trade mark rights.

Further, the Respondent has a history of registering domain names that include the trade marks of other brand owners, e.g. *Tuft & Needle, LLC v. 郭田田 (guo tian tian)*, WIPO Case No. D2022-3972, and *Wüsthof Dreizack GmbH & Co. KG v. 郭田田 (Guo Tian Tian)*, WIPO Case No. D2026-1043. In all of the relevant UDRP cases, the Respondent's domain names were ordered to be transferred to the complainants.

B. Respondent

The Respondent did not reply to the Complainant's contentions

6. Discussion and Findings

6.1 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 requested that the language of the proceeding be English, namely on the basis that the Respondent is capable of understanding English. This capability is evidenced by the fact that the disputed domain name is in English and the content of the Respondent's previous website was all in English.

The Respondent did not make any 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 Select 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. The Panel is persuaded that the Respondent is familiar with the English language and in the absence of any response or rebuttal evidence from the Respondent, there is no merit in delaying the proceeding or causing additional expense to the Complainant in requiring the furnishing of a translation.

6.2 Substantive Issues

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 trade mark and the disputed domain name. WIPO Overview 3.1, section 1.7.

The Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The entirety of the mark is reproduced and 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 3.1, 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 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.

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.

Panels have held that the use of a domain name for passing off can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

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 had attempted by its previous website to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's KOHLER trade mark, especially since the Complainant is also engaged in the business of generators. The Respondent has also displayed a pattern of bad faith conduct.

The fact that currently the disputed domain name resolves to a blank page does not alter the Panel's finding of bad faith registration and use.

Panels have found that the non-use of a domain name (including a blank page) would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. WIPO Overview 3.1, section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's KOHLER trade mark, the composition of the disputed domain name, and the prior use of the disputed domain name in connection with a website prominently displaying the Complainant's mark, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Panels have held that the use of a domain name for passing off 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 <thekohlergenerators.com> be transferred to the Complainant.

/Francine Tan/
Francine Tan
Sole Panelist
Date: September 16, 2026