

## **ADMINISTRATIVE PANEL DECISION**

Midea Group Co. Ltd v. Klimaat Cirkel  
Case No. DNL2024-0050

### **1. The Parties**

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

The registrant of the disputed domain name is Klimaat Cirkel, Netherlands (Kingdom of the) (“the Netherlands”) (the “Respondent”).

### **2. The Domain Name and Registrar**

The disputed domain name <midea.nl> is registered with SIDN through Key-Systems GmbH.

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 13, 2024. On December 13, 2024, the Center transmitted by email to SIDN a request for registrar verification in connection with the disputed domain name.

On December 16, 2024, SIDN 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 and contact information in the Complaint.

The Center sent an email communication to the Complainant on December 17, 2024, providing the information disclosed by SIDN and inviting the Complainant to amend the Complaint in this light. The Complainant filed an amended Complaint on December 20, 2024.

The Center verified that the Complaint as amended satisfies the formal requirements of the Dispute Resolution Regulations for .nl Domain Names (the “Regulations”).

In accordance with the Regulations, articles 5.1 and 16.4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on December 27, 2024. In accordance with the Regulations, article 7.1, the due date for Response was January 25, 2025. On January 13, 2025, the Center received an email communication from a third party which was later confirmed by SIDN to be the Respondent.

On January 31, 2025, SIDN commenced the mediation process. On February 18, 2025, SIDN informed parties that the dispute had not been solved in the mediation process.

The Center appointed Willem J. H. Leppink as the panelist in this matter on March 4, 2025. The Panel finds that it was properly constituted. The Panelist has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required to ensure compliance with the Regulations, article 9.2.

#### **4. Factual Background**

The following facts are undisputed.

The Complainant is a globally operating technology group, established in 1968 and headquartered in Guangdong, China. It comprises of five major business divisions: the Smart Home Business Group, the Industrial Technology Business Group, the Building Technologies Division, the Robotics & Automation Division, and the Digital Innovation Business. The Complainant's business covers more than 200 countries and regions. It offers diversified products and services. The MIDEA brand has been ranked for multiple years on the Fortune Global 500 and the Forbes Global 2000 list.

The Complainant offers its products and services inter alia via its website "www.midea.com".

The Complainant owns various MIDEA trademarks worldwide, including but not limited to the European Union Trade Mark no. 001792605 for the word / device mark MIDEA, applied for on August 4, 2000, and registered on August 28, 2001, registered for goods in classes 7, 9 and 11.

SIDN informed the Center that the disputed domain name was registered for the first time on August 27, 2005, and that the date of the current registration by change of registrant is August 18, 2014. The Complainant provided evidence that the disputed domain name redirects to a food and household goods website.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends that it has satisfied each of the elements required under the Regulations for a transfer of the disputed domain name.

Notably, the Complainant contends the following.

The disputed domain name is identical to the trademark as it incorporates the trademark in its entirety.

The Respondent has not registered any trademark or similar exclusive rights to the disputed domain name, nor received any kind of permission or license from the Complainant to use the trademark MIDEA.

The disputed domain name redirects to the domain name <asvz.nl>, which resolves to a web shop which does not have any connection to the Complainant's trademark. The Panel notes that the Complainant has submitted a screenshot of this web shop which seems to offer Dutch pastries typically eaten on New Year's Eve.

The Complainant has been using its trademark since 2000 and its trademark is very well-known. It is thus inconceivable that the Respondent would not have been aware of the Complainant's trademarks when registering the disputed domain name.

## B. Respondent

The Respondent has only sent an informal reply to the Complaint to the Center. It does not understand why it has to surrender its domain name. When it registered the disputed domain name, its goal was to create a website focused on sustainability, “Modern Integrated Domestic Energy Application” (MIDEA). It still intends to pursue this goal, which is why it continued to pay for this domain name. It does not see how it’s damaging the Complainant’s trademark, especially since there is currently nothing on the website that could be detrimental to the Complainant.

## 6. Discussion and Findings

Pursuant to article 2.1 of the Regulations the Complainant must prove each of the following three elements:

a) the disputed domain name is identical or confusingly similar to:

I) a trademark or trade name protected under Dutch law in which the Complainant has rights; or  
II) a personal name registered in the General Municipal Register (*Gemeentelijke Basisadministratie*) of a municipality in the Netherlands, or the name of a Dutch public legal entity or the name of an association or foundation registered in the Netherlands under which the Complainant undertakes public activities on a permanent basis; and

b) the Respondent has no rights to or legitimate interests in the disputed domain name; and

c) the disputed domain name has been registered or 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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”),<sup>1</sup> section 1.7.

The Complainant has shown that it has rights in a trademark, which is also protected under Dutch law.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Complainant has thus established the first element of article 2.1 of the Regulations.

### B. Rights or Legitimate Interests

Consistent with earlier decisions under the Regulations, the Complainant must prima facie demonstrate that the Respondent has no rights to or legitimate interests in the disputed domain name. If the Complainant succeeds in making out this prima facie case, the burden of production shifts to the Respondent, who will then have to come forward with appropriate allegations or evidence demonstrating a right to or legitimate interests in the disputed domain name (see *Auto 5 v. E. Shiripour*, WIPO Case No. [DNL2008-0027](#)).

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<sup>1</sup> In view of the fact that the Regulations are in large part based on the Uniform Domain Name Dispute Resolution Policy (“UDRP”), it is well established that both cases decided under the Regulations and cases decided under the UDRP, and therefore [WIPO Overview 3.0](#), are relevant to this proceeding (see, e.g., *Aktiebolaget Electrolux v. Beuk Horeca B.V.*, WIPO Case No. [DNL2008-0050](#)).

The Respondent may demonstrate such rights or legitimate interests inter alia through any of the following circumstances based on article 3.1 of the Regulations:

a) before having any notice of the dispute, the Respondent made demonstrable preparations 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; or

b) the Respondent as an individual, business or other organization is commonly known by the disputed domain name; or

c) the Respondent is making a legitimate noncommercial use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish or otherwise damage the relevant trademark, trade name, personal name, name of a Dutch public legal entity or name of an association or foundation located in the Netherlands.

The Complainant has made out this prima facie case. The Respondent has replied only briefly to the Complainant's contentions.

According to the Respondent, its reason for registering the disputed domain name was to create a website focused on sustainability. This would be based on the acronym for "Modern Integrated Domestic Energy Application", "MIDEA". Lacking any substantiation and seeing that the disputed domain name redirects to a website offering Dutch pastries eaten on New Year's Eve, the Respondent's contentions do not seem to be credible to the Panel and are insufficient to rebut the Complainant's prima facie case.

The Complainant has thus established the second element of article 2.1 of the Regulations.

### **C. Registered or Used in Bad Faith**

In light of its considerations under Section 6.B, the facts presented by the Complainant, and the fact that the disputed domain name does not lead to a website which has any relevant connection with the disputed domain name or the Respondent's alleged sustainability use, but rather redirects to a food and household goods website, the Panel finds that the disputed domain name has been registered and is used in bad faith.

The Panel also takes into consideration that, based on the substantiated contentions by the Complainant, the Complainant's trademark is well-known and the disputed domain name is identical to the trademark, thus on balance of probabilities the Respondent more likely than not was aware of the Complainant and its trademark when registering the disputed domain name. The Respondent has also not rebutted any such contention by the Complainant.

In conclusion, the Panel is satisfied that the third element of article 2.1 of the Regulations has been met and that the disputed domain name was registered and is being used in bad faith.

## **7. Decision**

For all the foregoing reasons, in accordance with articles 1 and 14 of the Regulations, the Panel orders that the domain name <midea.nl> be transferred to the Complainant.

*/Willem J. H. Leppink/*

**Willem J. H. Leppink**

Panelist

Date: March 17, 2025