

ADMINISTRATIVE PANEL DECISION

Infineon Technologies AG v. 蔡楚丰 (Cai ChuFeng)
Case No. D2024-4602

1. The Parties

The Complainant is Infineon Technologies AG, Germany, internally represented.

The Respondent is 蔡楚丰 (Cai ChuFeng), China.

2. The Domain Names and Registrar

The disputed domain names <infineon-electronics.com> and <infineon-inventory.com> are 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 November 8, 2024. On November 8, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On November 12, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Unknown / Privacy service) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 15, 2024, 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 November 19, 2024.

On November 15, 2024, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain names is Chinese. On November 19, 2024, the Complainant requested English to 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 English and Chinese of the Complaint, and the proceedings commenced on November 20, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 10, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 11, 2024.

The Center appointed Karen Fong as the sole panelist in this matter on December 18, 2024. 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

Founded in 1999, the Complainant is a provider of semiconductor solutions for power systems and the Internet of Things. It has about 58,600 employees worldwide, 69 research and development facilities in 25 countries and regions and 17 manufacturing sites. In the fiscal year ending 2023, the Complainant's revenue was around EUR 16.3 billion. The Complainant's goods and services are provided under its INFINEON brand.

The Complainant's trade mark registrations for INFINEON include the following:

- European Union Trade Mark Registration No. 006727631 for INFINEON registered on July 21, 2009;
- International Trade Mark Registration No. 718087 designating China for INFINEON registered on July 12, 1999; and
- United States of America Trade Mark Registration No. 2516259 for INFINEON registered on December 11, 2001;

(together, individually and collectively referred to as the "Trade Mark").

The Complainant uses a logo which comprises the Trade Mark in a stylized form and a half oval surrounding the word "infineon" (the "Logo").

The Complainant's primary website which comprises the Trade Mark is found at "www.infineon.com". The Logo features prominently on the Website.

The Respondent appears to be based in China according to the registrant information provided by the Registrar and the websites connected to the disputed domain names indicate a location in Hong Kong, China. The Respondent registered the disputed domain names on June 28, 2024.

The disputed domain names are connected to websites which display the Trade Mark and in the case of the website connected to <infineon-electronics.com>, also the Logo, prominently. Both websites claim to be an electronic procurement platform and purport to sell products bearing the Trade Mark (the "Websites"). The "About Us" section of the Websites respectively state that they are owned by Shenzhen Infineon-Electronics Electronics Co. Ltd. and Shenzhen Infineon-Inventory Electronics Co., Ltd., companies headquartered in Hong Kong, China. There is no information on the Websites explaining the relationship or lack thereof between the Complainant and the owners of the Websites.

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 names.

Notably, the Complainant contends that the disputed domain names are confusingly similar to the Trade Mark, that the Respondent has no rights or legitimate interests with respect to the disputed domain names, and that the disputed domain names were registered and are being used in bad faith. The Complainant requests transfer of the disputed domain names.

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 names 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 for the following reasons:

- The Websites are in the English language, indicating that the Respondent understands English;
- The Websites do not mention an "ICP" number, which is mandatory in China indicating that the Website is not intended for consumers in China;
- The disputed domain names comprise words in Latin characters instead of Chinese characters;
- The Trade Mark does not have any meaning in the Chinese language whilst the other elements of the disputed domain names, "electronics" and "inventory", are ordinary English words which is another indicator that the Respondent understands English;
- The Complainant is not proficient in the Chinese language. Having to translate the Complaint into Chinese would unfairly disadvantage and burden the Complainant in terms of costs and delay the proceeding and adjudication of this matter; and
- English is the language most widely used in international relations.

The Respondent has not challenged the Complainant's language request and in fact has failed to file a Response in either English or Chinese.

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, Third Edition ("[WIPO Overview 3.0](#)"), 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

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 3.0](#), 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 names. Accordingly, the disputed domain names are confusingly similar to the Trade Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

While the addition of the other terms here “-electronics” and “-inventory” after the Trade Mark in the disputed domain names may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain names 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 names. 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 names such as those enumerated in the Policy or otherwise.

Moreover, the nature of the disputed domain names carries a risk of implied affiliation as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

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 notes that the Respondent must have been aware of the Trade Mark when he registered the disputed domain names given the Trade Mark was registered prior to registration of the disputed domain names, the reputation of the Trade Mark, and the fact that the Complainant’s products appear to be offered for sale on the Websites which also bear the Logo prominently. It is therefore implausible that the Respondent was unaware of the Complainant when he registered the disputed domain names.

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 names without any explanation is also a significant factor to consider (as stated in [WIPO Overview 3.0](#), section 3.2.1). The disputed domain names fall into the category stated above and the Panel finds that registration is in bad faith. The addition of the terms “-electronics” and “-inventory” after the Trade Mark further reflects that the Respondent had the Complainant in mind and was targeting it when registering the disputed domain names as the Complainant produces and stocks electronic products.

The disputed domain names are also being used in bad faith. The Websites prominently display the Complainant’s Trade Mark and one of them also displays the Logo and purports to deal in the Complainant’s products even though there is no relationship between them. Neither of the Websites contain any prominent and accurate disclaimer disclosing the lack of relationship between the Parties. The Websites say that the owner is a Hong Kong, China based company in business for more than 18 years and has offices in many different countries when both disputed domain names were only registered in 2024 and in the name of an individual. The inconsistent information is an indicator of bad faith. The content of the Websites is calculated to give the impression that they have been authorized by or connected to the Complainant when this is not the case. The Websites were set up to deliberately mislead Internet users that they are connected to, authorised by or affiliated with the Complainant. From the above, the Panel concludes that the Respondent has intentionally attempted to attract, for commercial gain, by misleading Internet users into believing that the Respondent’s Websites are and the products sold on them are those of or authorised or endorsed by the Complainant.

The Panel therefore finds that the disputed domain names have been registered and are being used in bad faith under paragraph 4(b)(iv) of the Policy.

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 names <infineon-electronics.com> and <infineon-inventory.com> be transferred to the Complainant.

/Karen Fong/

Karen Fong

Sole Panelist

Date: January 8, 2025