

Domain Name Dispute Resolution Center (DNDRC)

Arbitration and Mediation Center

COMPLAINT PANEL DECISION

Case No. 2024-0016

Also in PDF C2024-0016

1. The Complainant

The Complainant is XIAOMI INC., having its office at Xiaomi Campus, Anning Zhuang Road, Haidian District, Beijing. The Complainant has initiated the Complaint vide their authorized representatives, Ali & Associates, Attorneys at Law, with their address at First Floor, Shaheen Tower, 23-A, Block 6, PECHS, Karachi, Pakistan.

2. The Domain Name and Respondent

The domain name upon which the Complaint is based is <xiaomilahore.pk>, hereinafter referred to as the Disputed Domain Name [“the DDN”].

PKNIC has informed DNDRC that the DDN is registered by Chaudhary Asim Latif with the contact name Asim CH, with their address at 33 P DHA Phase 8, Lahore, and that the email address provided at the time of registration of the DDN is sixtoseven@gmail.com.

3. Procedural History

DNDRC was informed of the Complaint against the Respondent as per PKNIC - Internet Domain Registration Policy, by notification from the Complainant on 30 April 2024 after which DNDRC completed its compliance review.

DNDRC requested the Respondent’s details from PKNIC on 13 June 2024 to which PKNIC provided the requested details on 16 June 2024.

The Respondent was issued a notification of the dispute along with a copy of the Complaint and a Response Form on 22 June 2024 informing the Respondent that if a Response was not received 10

days from the notification, the dispute would be proceeded ex parte. The Respondent submitted a response on 22 June 2024.

Applying Paragraph 4(a) of the Rules for Uniform Domain Name Dispute Resolution Policy (the *Rules*), DNDRC appointed Mr. Willayat Ali Shah as the sole Arbitrator who has verified that the Complaint satisfies the formal requirements of the Policy and the Rules.

Factual Background

4. Parties Contentions

(a) Complainant

The Complainant's brief contentions are reproduced below:

1. *That the Complainant, (where the context so requires includes its predecessors in business, legacy companies/ businesses, subsidiaries and affiliated concerns) is a leading manufacturer and designer of consumer electronics in particular mobile phones, software, home appliances, automobiles and household hardware. The Complainant as of 2023 is the 3rd largest seller of smart phones worldwide under its well-known and registered brand XIAOMI and associated logo .*
2. *That the Complainant, has been operating for a period of 13 years and has achieved unprecedented success. Witnessing unparalleled growth the complainant expanded its presence in industries including but not limited to the gaming industry, automobile industry and home hardware. As a result of its extensive growth and technological advancement the Complainant has been the youngest company to be ranked in the Fortune Global 500 list. It is worthy to note that the Complainant since its inception has continuously used the trade name/trademark "XIAOMI" & "" either alone or in conjunction with other marks, as an essential component of the Complainant's brand identity.*
3. *That in light of the aforementioned submissions, it is well established that the extensive use of the trademark/house mark/ tradename "XIAOMI" & "" by the Complainant in respect of its wide range of goods and services across many industries has resulted in the same becoming an integral identifier of the Complainant's group whereby any person or entity would associate the trademark "XIAOMI" & "" used alone or in conjunction with others marks, with the Complainant and none else. Therefore, any trade name,*

trademark and/or domain name incorporating the Complainant's trademark/ tradename "XIAOMI" & "MI" would be presumed to be operating and originating from the Complainant only.

4. That in light of the aforementioned the Complainant's trademark/ trade name/ house mark "XIAOMI" & "MI" is distinctive of the Complainant and has acquired long standing reputation that is spread across the world resulting in the Complainant's goods and services enjoying significant global commercial success as a result of which the Complainant's mark are now considered well-known marks.
5. That the Complainant in order to protect its trademark/ tradename/ trade logo "XIAOMI" & "MI", has duly registered and/or applied for registration of its trademark/tradename/ house mark "XIAOMI" & "MI" in various jurisdictions including Pakistan, and also operates a website under the domain name www.mi.com/global/ (International) & www.mi.com/pk/ (Pakistan)

Trademark Certificates of "XIAOMI" & "MI"
from various jurisdictions are attached herewith
as Annexure A

6. That in addition to the above, it is imperative to note that www.xiaomi.com is a registered domain name of the Complainant across multiple domain hosts. The Complainant holds legitimate interests and rights in the said domain name, which have been established through registration and continuous use. As such, any unauthorized or infringing use of the aforementioned domain name constitutes a gross violation of the Complainant's rights and is strictly actionable per say.
7. That in view of the above, it is clear that the Complainant's trademark/trade name "XIAOMI" and associated logo "MI" are awarded the status of well-known marks, as stipulated in Section 86 of the Ordinance, 2001 and is entitled to due protection under the same.
8. Moreover, the Complainant being the creator, first adopter, bona fide user and prior registrant not only has extensive and continuous use of the trademarks "XIAOMI" and "MI" but has also protected its proprietary interest in the same by virtue of its trademark registrations. Therefore, the Complainant's trademarks and their associated domain names

<https://www.mi.com/global/> (International), <https://www.mi.com/pk/> (Pakistan) and www.xiaomi.com, enjoy extensive popularity and are well known across the globe and in particular Pakistan where the complainant has enjoyed unparalleled success and unequivocal goodwill.

9. That in light of the Complainant's exclusive proprietary rights vested in the trademarks "**XIAOMI**" and "**MI**" as well as their associated domain names which have been in continuous use by the Complainant, the same is the only bona fide legal and equitable owner of the trade name and trademarks "**XIAOMI**" and "**MI**" and entitled due protection under the law. Such protection is inclusive of, but not limited to restrain all persons from selling any products which bear the complainant's marks as well as from using any mark and/or domain name similar, identical with or resembling the Complainant's trademarks which is likely to deceive or cause confusion in the course of trade and/or dilute the exclusivity of the Complainant's well-known trademarks/trade names/domain names.
10. That the subject matter of this complaint is the domain name "<https://www.xiaomilahore.pk/>" (hereinafter referred to as the "**impugned domain name**"), which has been registered by the Respondent with the PKNIC, and infringes not only upon the Complainant's well known and earlier registered trademarks "**XIAOMI**" & "**MI**" but also the Complainant's registered domain name www.xiaomi.com.
11. That the Respondent has nefariously registered the unauthorized domain name "<https://www.xiaomilahore.pk/>" with the logo  with the PKNIC, by combining the two registered and well-known trademarks of the Complainant, namely, **XIAOMI** and **MI**. That the Respondent has no right or legitimate motive for the blatant adoption of a domain name that comprises of the Complainant's two distinguished trademarks. Thus, it is clear that the Respondent has intentionally and illegally registered the domain name to capitalize upon the goodwill and reputation of the Complainant and pass off itself as the Complainant and/or attempt to show a nexus with the complainant. Moreover, it is reiterated that the impugned domain name is a blatant and illegal adoption of the Complainant's domain name www.xiaomi.com. The Respondent's illicit and nefarious activities can be further substantiated by the fact that the Respondent is claiming to be the 'Official MI Store' where in reality it has no nexus with the Complainant.
12. That in addition to the above, the impugned domain name is a blatant infringement of the Complainant's registered domain name www.xiaomi.com. That in the realm of the internet,

a domain name is more than just a website address and therefore, merits the same level of protection as a brand. It is imperative to note that unwary customers of the Complainant, may access the Respondent's website believing it to be the Complainant's. As such the Complainant places reliance on the following legal grounds against the Respondent's domain name.

Therefore, the Complainant seeks the following remedy:

1. *Identify the Respondent*
2. *Handover the Impugned Registration to the Complainant and/or shut down the impugned domain name*

13. Respondent

The Respondent made the following submissions:

I would like to delete this disputed domain Xiaomilahore.pk as asked in complain. Kindly go ahead and delete this domain from my account.

5. Jurisdiction

The Panel's jurisdiction over this dispute between the Complainant and the Respondent is established by virtue of the Internet Domain Registration Policy version 4.4 (2019-08-19) and the Rules.

The Respondent applied for and was granted registration of the DDN on the basis of these regulations, and has submitted to, the PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19) and the Rules and correspondingly to the arbitral jurisdiction of the DNDRC and its arbitration decisions.

6. Discussion and Findings

In the landmark case of *Standard Chartered PLC v. Hosting Campus Domain* (case no. C2007-0001) available on the DNDRC website (http://www.dndrc.com/cases_resolved/pdf/c2007-0001.pdf), the Panel laid down the following four heads under which to analyze cases, under the Internet Domain Registration Policy version 4.4 (2019-08-19) and the UDRP:

1. *Illegality, unlawfulness or otherwise invalidity of the Application & Registration (a criteria in terms of the PKNIC - Internet Domain Registration Policy June 20, 2006 version 4.1 in addition to the criteria of the UDRP)*
2. *Identical or confusing similarity to a trademark or service mark in which the Complainant has rights (a UDRP criteria)*
3. *Legitimate interest in Domain Name (a UDRP criteria)*
4. *Registration and use in bad faith (a UDRP criteria)*

The decision of the dispute shall be addressed with respect to the following aspects:

- i. *Illegality, unlawfulness or otherwise invalidity with respect to the Application & Registration (a PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19) criteria).*
- ii. *Identical or confusing similarity with a trademark or service in which the Complainant has rights (a UDRP criteria).*
- iii. *Legitimate interest in the domain name (a UDRP criteria).*
- iv. *Registration and use of the domain name in bad faith (a UDRP criteria).*

I. Illegality, unlawfulness or otherwise invalidity of the Application & Registration

The PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19) states that it creates an exception for, and thus excludes the registration of a domain name that:

- a. *infringes upon a registered tradename,*
- b. *is not bona fide as recognized by international best practice,*
- c. *in the opinion of PKNIC, a contravention of the latest version of the Pakistan Penal Code Act, 1860 (including offences of defamation & blasphemy)/ Anti-Terrorism Act, 1997/any applicable criminal law,*
- d. *has been declared by a Criminal Court of appropriate jurisdiction to have contravened the latest version of Pakistan Penal Code Act, 1860 (including offences of defamation & blasphemy)/Anti-Terrorism Act, 1997/any applicable criminal law), or*
- e. *in the opinion of PKNIC is not appropriate for registration.*

As per the PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19),

If a party claims that a domain name already registered with PKNIC violates their registered tradename, an obvious derivation of their registered company name is not bona fide as recognized by international best practice, and is a contravention in the opinion of

PKNIC to be a contravention of the latest version of the Pakistan Penal Code Act, 1860 (including offences of defamation & blasphemy)/ Anti-Terrorism Act, 1997/any applicable criminal law, PKNIC reserves the right to cancel, or transfer the domain to the claiming party as per the ICANN's Uniform Domain Name Dispute Resolution Policy [UDRP] (with PKNIC amendments) or as per the orders of a court judgment in Pakistan.

Therefore, for the purpose of assessing illegality, unlawfulness or otherwise invalidity of the Application & Registration of the DDN, the application and registration of the DDN shall be assessed in consideration of the following criteria:

- i. Whether the DDN infringes upon a registered trade name / trade mark?
- ii. Whether the application and/or registration of the DDN is bona fide?
- iii. Whether the application and/or registration of the DDN contravenes the Pakistan Penal Code, 1860 (the "Penal Code") or any applicable criminal law?

The Complainant has made the following submissions:

1. *That the impugned domain name is in direct violation of Paragraph 4 of the PKNIC Policy, wherein the same not only infringes upon the registered trademarks of the Complainant, but the use of the same can also not be construed as bona fide and is actionable per se. The factors for the purposes of this section are addressed as follows: -*
2. *Infringement upon a registered trademark: As mentioned above, the impugned domain name with its logo is a combination of two of the Complainant's trademarks, specifically, **XIAOMI** & . This deliberate attempt of the Respondent not only does so in a manner that inherently misleads the general public and infringes upon the Complainant's trademarks and trade name and gives Respondent the leeway to unfairly exploit the goodwill, dilute the distinctive nature, and detrimentally affect the established reputation of the Complainant's trademarks and tradename as the Respondent is also selling same goods as the Complainant under its brand and is further claiming to be the official store of the Complainant. Thus, the Respondent's act of infringement disrupts the rights vested in the Complainant's registered trademarks, trade name and domain name and is infringing upon the Complainant's rights vested in the same.*
3. *Registration of the impugned domain name is not bona fide: The Respondent's intention behind registering the impugned domain name is an attempt to create a false association with the Complainant and pass off the impugned domain name as that of the Complainant's with the possibility of confusion proliferating in the users. This can be further substantiated*

by the fact that the domain name www.xiaomi.com belongs to the Complainant, whereas the Respondent has merely added the city Lahore to its domain name deceiving unwary customers. Moreover, it is reiterated that the Complainant has extensively marketed and promoted the marks “**XIAOMI**” and “”. Thus, it is impossible that the Respondent was not aware of the Complainant’s market presence. As such, the Respondent’s use cannot be termed as bona fide especially since the same is in direct violation of the Complainant’s rights. In addition it is reiterated above that the Respondent is claiming to be the ‘Official MI Store’ further highlighting the Respondent’s malafide and nefarious attempt to pass off itself as the complainant.

4. Impugned domain name contravenes the provisions of Pakistan Penal Code and other applicable laws: That in the landmark judgment of Standard Chartered, the Panel held that the Trade Marks Ordinance, 2001 equates infringements of trademarks and tradenames with domain names. Thus, under the Trade Mark infringement provisions of the Pakistan Penal Code would also cover domain names. As such, the Respondent's use of the domain name ‘**XIAOMI**’—wholly adopting and combining two of the Complainant’s trademarks and tradename, without rightful ownership, potentially violates Sections 479, 480, 481, 482, and 483, pertaining to false property marks and trademarks. Moreover, the Electronic Transactions Ordinance, 2002, affirms electronic forms' legal equivalence to physical documents. Consequently, adopting a domain name resembling a registered trademark, particularly by an unauthorized entity, makes one liable under the Pakistan Penal Code. Thus, the Respondent’s actions constitute as a criminal offence and make him liable under the same.
5. Section 40(6) of the Trade Marks Ordinance, 2001: That the Section 40(6) of the Ordinance clearly states that use of a registered trademark as a domain name or part of a domain name without the consent of the registered proprietor the same results to infringement of the registered trademark. Therefore, it is established that the Respondent has malafidely gotten its unauthorized domain registered and is using the same portraying to be the ‘Official MI Store’. Thus the Respondent’s acts constitute infringement and in order to protect the rights of the Complainant action against the unauthorized domain must be taken in light of the remedies sought by the Complainant.

The Respondent did not make any submissions.

The Panel has reviewed the submissions of the Parties:

To satisfy the criteria of illegality, it is sufficient for the Complainant to prove an explicit contravention of their registered trademark by the DDN. For this purpose, the Complainant has contended that the DDN “xiaomilahore.pk” is infringing on two of the registered trademark “Xiaomi” and “MI” therefore the Panel needs to evaluate whether the DDN is in contravention of the Trademarks Ordinance, 2001.

The Complainant has also contended that the Respondent is using the amended trademark of the Complainant on their website, associating the term “Lahore” with it. It is essential to note that the DDN itself needs to infringe on the Complainant’s trademark therefore, the content available on the Respondent’s website cannot be considered. This raises a question as to whether inclusion of another word “lahore” along with the registered trademark of the Complainant “xiaomi” would satisfy the criteria.

The Panel finds and has established in previous decisions that in order for the DDN to infringe the registered trademark rights of the Complainant, the entire DDN needs to be constituted with the said trademark without any inclusion of a generic or a specific word. In furtherance of this principle, the Complainant has failed to address the infringement in light of the addition of the term “lahore” with the Complainant’s trademark.

Due to the lack of submission in this regard, the Panel finds it insufficient to declare the infringement of Complainant’s trademark by the DDN. Therefore, the Panel finds it necessary to assess and evaluate each of the three UDRP criteria to determine whether the Complaint can be upheld.

II. Identical or confusing similarity to a trademark or service mark in which the Complainant has rights

The Complainant has made the following submissions:

- 1. It is humbly submitted, that the Respondent’s domain name with the logo is a combination of the Complainant’s two distinguished and registered trademarks namely, “**XIAOMI**” and “”. Additionally the Respondent’s impugned domain name is deceptively similar to the Complainant’s domain name www.xiaomi.com. Thus, the same is not just identical, but a blatant adoption of the Complainant’s trademarks and liable to be cancelled and/or transferred to the Complainant.*
- 2. That the Complainant places reliance upon the case of Atticabank S.A. v. Net Promotion, Inc (Case No. D2006-0317), wherein it was held that a mark which has gained substantial*

popularity, and goodwill are entitled to due protection and in the case the impugned domain name is a blatant adoption, the same ought to be in violation of this provision. As such the marks of the Complainant are globally well-known and deserve protection from the unauthorized adoption by the Respondent.

3. *Further, relying on the test of determining similarity established in the case of Asset Loan Co. Ply Ltd v Gregory Rogers (Case No. D2006-0300), any reasonable bystander would construe the wording of the domain name and the logo used for it to be originating from the Complainant, considering the same is a combination of two of Complainant's trademarks with "XIAOMI" and  being the integral identifier. Thus, any person who views/reads the domain name would naturally assume the same belongs to the Complainant and is in fact, a website portraying to be a MI Official Dealer in Lahore, Pakistan.*
4. *Additionally, the overall impression or idea created by the Respondent is that the same belongs to the Complainant since the Complainant's tradename is "XIAOMI" and , as per the Respondent claims, the Respondent is the official distributor/dealer of the Complainant's company in Lahore, Pakistan.*

The Respondent has not contended that the DDN is not identical or confusingly similar to the Complainant's mark.

The Panel has reviewed the submissions of the Parties:

The Complainant has contended that the DDN xiaomilahore.pk is confusingly similar to the Complainant's trademark "Xiaomi" and "MI". The Panel initially notes that the Complainant vide Annexure-A has established their rights with respect to the trademark "Xiaomi" within Pakistan and finds that the Respondent has incorporated the Complainant's trademark "Xiaomi" in its entirety in the DDN xiaomilahore.pk.

The Panel reviews and agrees with the decisions cited by the Complainant as Atticabank S.A. v. Net Promotion, Inc (Case No. D2006-0317) and Asset Loan Co. Ply Ltd v Gregory Rogers (Case No. D2006-0300). The Panel also relies on a well-known principle, reiterated in several WIPO cases as well as the previous DNDRC cases, where the inclusion of the registered trademark, in its entirety, into the DDN was sufficient to prove confusing similarity between the DDN and the trademark. (See Britannia Building Society v Britannia Fraud Prevention Case No. D2001-0505).

In consideration of all the decisions mentioned, the Panel finds that the inclusion of the term “lahore” in the DDN does not prevent the finding of confusing similarity and that the DDN is confusingly similar with the Complainant’s trademark.

The Panel further acknowledges the principle concerning ccTLD (for e.g., .pk) which finds that the addition of such suffix does not affect the likelihood of confusion as it is necessary requirement for the registration of the domain name itself (See L’Oréal v. Guowei Hai Gui, WIPO Case No. D2011-0775).

Based on the assessment above, the Panel concludes that the DDN is confusingly similar to a trademark in which the Complainant holds rights.

III. Legitimate interests in a domain name

As per paragraph 4(c), the UDRP requires the Respondent’s claim to be of legitimate interest and shall be:

“proved based on all evidence presented” that “shall demonstrate” the Respondent’s “rights or legitimate interests to the domain name for purposes of Paragraph 4(a)(ii).”

Paragraph 4(a)(ii) states that:

“(i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or

(iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.”

The Complainant has made the following submissions:

1. *That it is humbly submitted that there is no legitimate reason for the Respondent to have chosen to acquire the impugned domain name other than to pass off its goods as those of the Complainant’s or to create any nexus with the Complainant.*

2. *That the Respondent's adoption of the impugned domain name has been created by combining the two earlier and registered trademarks of the Complainant, specifically the integral identifier "XIAOMI" further substantiates that the Respondent has no legitimate interest in the same and has chosen to adopt/register the same solely to encroach upon the well-established goodwill of the Complainant under the trademarks "XIAOMI" and "MI".*
3. *That as mentioned above, the Complainant has been operating for over a decade and has extensively and continuously utilized the trademark "XIAOMI" either alone or in conjunction with other marks. Thus, when registering the impugned domain, the Respondent must have been well aware of the Complainant's proprietary rights in the mark "XIAOMI" and 'MI', as such, the Respondent's use cannot be termed as bona fide, especially since the same is to take unfair advantage of the Complainant's goodwill.*
4. *That in addition to the above, the Respondent has no identity or nexus with the Complainant's trademarks "XIAOMI" and "MI".*
5. *That in view of the above, it is clear that the Respondent has no legitimate interest of the impugned domain name. In fact, the Respondent by adopting the said domain name has made a sheer attempt to pass off its website as that of the Complainant's. Further by accessing the Respondent's website it is evident that the same is being used for sole purpose to reap off the profits of the Complainant. Thus, the Respondent's impugned domain name is in sheer contravention of the provisions of the policy and the rules of PKNIC as well as applicable Intellectual Property and associated laws.*

The Respondent has not contended that it had a legitimate interest in the DDN.

The Panel has reviewed the submissions of the Parties.

The Panel notes the contention of the Complainant that the Respondent lacks rights in the DDN as they have no nexus in the Complainant's trademark. It must be reiterated, as also referenced in various previous decisions that the Complainant, by contending a lack of legitimate interest on part of the Respondent, establishes a prima facie case against the Respondent. Thereafter, the burden of proof shifts to the Respondent to demonstrate otherwise (See Sony Kabushiki kaisha v. sony.net, WIPO Case No. D2000-1074).

The Panel also reviews the submission of the Respondent, having no objection to losing access to the DDN as he requests to delete the same from his account. This reinforces the contention of the Complainant that the Respondent lacks rights in the DDN. The submission of the Respondent, along with their failure to satisfy the burden of proof shifted upon them, allows the Panel to find a lack of legitimate interests on part of the Respondent.

The Panel therefore finds that the Respondent does not have any legitimate interest in the DDN.

IV. Registration and use in bad faith

The Complainant has made the following submissions:

1. *That in addition to the above, it is most respectfully submitted that the Respondent has registered the domain name in sheer bad faith, which is substantiated by the Respondent's nature of business, and subsequent registration of the domain, as the Complainant was already existing and a wellknown brand/company.*
2. *The registration of the domain name "https://www.xiaomilahore.pk/" by the Respondent appears to be in direct contravention of fair business practices. It is evident that the acquisition of the impugned domain name is illegitimate and the Respondent has no bona fide use of the same, other than the intention to disrupt the business of the complainant. The choice of a domain name deceptively similar to the well-known trademarks "XIAOMI" and "MI" suggests a deliberate attempt by the Respondent to exploit the reputation, goodwill, and market presence established by the complainant.*
3. *That the adoption of the domain name "https://www.xiaomilahore.pk/" by the Respondent signifies a deliberate and calculated effort to lure unwary customers for commercial advantages and constitutes a fraudulent act. This action aims to create a substantial likelihood of confusion regarding the origin, sponsorship, affiliation, or endorsement of the Respondent's website or the products/services promoted therein. By blatantly adopting the impugned domain name which contains well-established trademarks "XIAOMI" and "MI" of the Complainant, the Respondent has shown a clear intention to capitalize upon the reputation and recognition associated with the Complainant. The deliberate similarity between the domain name and the Complainant's trademarks suggests an endeavor to divert online traffic intended for the Complainant's offerings towards the Respondent's own website. Thus, the actions of the Respondent tantamount and highlight the Respondent's*

sheer bad faith and the registration of the same is liable to be cancelled and/or transferred to the Complainant.

The Respondent has not contended that the DDN was registered or being used in good faith.

The Panel has reviewed the submissions of the Parties.

The Complainant contends the registration and use of the DDN in bad faith by the Respondent, claiming that the Respondent aims to exploit the goodwill and reputation of the Complainant and to lure away their customers for commercial purposes.

The Panel notes that the Complainant's "xiaomi" trademark is inherently distinctive and globally well-known. Given its extensive reach and established reputation prior to the registration of the domain name, it is highly unlikely that the Respondent registered the domain name without being aware of the Complainant's trademark (See *Compagnie Générale des Etablissements Michelin v. World Industrial*, WIPO Case No. D2019-0553).

The Respondent's submission of conveniently granting permission to remove the DDN from his possession and refusing to submit a valid response further suggests that the Respondent was involved in the unfair practice of acquiring the DDN for exploitation. The Panels have previously decided that bad faith can be found where a DDN is so obviously connected with a well-known trademark that its very use by someone with no connection to the trademark suggests opportunistic bad faith (See WIPO Case No. D2013-0091, *LEGO Juris A/S v. store24hour*).

The Panel, therefore, finds that the DDN was registered and is being used in bad faith by the Respondent.

7. Decision

The Panel, upon the review of the information provided by the Complainant, recognizes that the "xiaomi" mark is registered to the Complainant and Respondent has no legitimate rights over it. Therefore, the continuous use of the DDN relating to the Complainant's registered trademark could result in hinderance in exercise of the rights of the Complainant in the trademark and could also jeopardize the reputation of the Complainant by amounting to confusion regarding the ownership of the DDN.

Taking all the discussion above into consideration, the Panel concludes and decides that:

1. The Respondent's registration of the DDN does not violate the PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19);
2. The DDN is confusingly similar to the registered trademark of the Complainant;
3. The Respondent has no legitimate interest in the DDN;
4. The DDN was registered and is being used in bad faith.

Pursuant to Section 4 of the Policy, the Panel, therefore, recommends that PKNIC transfer the registration of the domain name in dispute <xiaomilahore.pk> to the Complainant, as prayed, within 48 hours of receipt of this decision either by email or through the website where it will be uploaded, www.dndrc.com/cases_resolved/, whichever is earlier. The Complainant shall also be at liberty to contact PKNIC for implementation of this decision.

Arbitrator: Willayat Ali Shah

Sole Panelist

Date: 27 December 2024