



ASIAN INTERNATIONAL ARBITRATION CENTRE
ADMINISTRATIVE PANEL DECISION

In the Matter of Domain Name Dispute AIAC/DNDR-1387-2025

Between

LUCKIN COFFEE INTELLECTUAL PROPERTY (SPG) PTE. LTD
(Complainant)

And

UTOPIA HOLDING SDN BHD
(Respondent)

1. The Parties

The Complainant is Luckin Coffee Intellectual Property (SPG) Pte. Ltd of Singapore, represented by Mr. Cheah Chiew Lan of M/s Christopher and Lee Ong of Kuala Lumpur Malaysia.

The Respondent is Utopia Holding Sdn. Bhd, Malaysia.

2. The Domain Name and Registrar

The disputed domain name <luckincoffee.com.my> is registered with Exabytes Networks Sdn Bhd of Malaysia (the "Registrar").

3. Procedural History

The Complaint was filed with the Asian International Arbitration Center at Kuala Lumpur (the "Centre"). The Center verified that the Complaint together with supporting documents to the Complaint satisfied the formal requirements of the MYNIC's (.my) Domain Name Dispute Resolution Policy (the "Policy") the Rules of the MYNIC's (.my) Domain Name Dispute Resolution Policy Rules (the "Rules"), and the AIAC Supplemental Rules (the "Supplemental Rules") and the case commenced on January 10, 2025.

In accordance with the Rules, paragraph 5, on, 2024 the Center formally notified the Respondent of the Complaint on January 10, 2025. The notification of the Complaint was sent to the Respondent's email address as given in the registration details of the disputed domain name. In accordance with the Rules, paragraph 6, the due date for Response from the Respondent was February 4, 2025. The Respondent did not submit a response within the stipulated time.

The Center appointed Harini Narayanswamy as the sole panelist in this matter on February 7, 2025. 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, under paragraph 9.

4. Factual Background

The Complainant is a retail coffee chain that owns numerous registered trademarks for the LUCKIN COFFEE mark. The Complainant's Malaysian trademark registrations for the LUCKIN COFFEE marks include:

1. Trademark No. TM2022021869 for LUCKIN COFFEE deer device mark, in classes 11,30,35 and 43.
2. Trademark No. TM 2023005774 for LUCKIN COFFEE stylized word mark registered in class 9.
3. Trademark No. TM 2023005775 for LUCKIN COFFEE word mark registered in class 25.

The Respondent registered the disputed domain name on May 23, 2024. The disputed domain name is not being used to host a website by the Respondent. At the time of filing the Complaint, the disputed domain name was parked and was put up for sale.

5. Parties' Contentions

A. Complainant

The Complainant states that it is a pioneer of technology driven retail coffee business that offers coffee and other food and beverage products of high quality at affordable cost with convenience to its customers. The Complainant states that technology is at the core of its business and touches every aspect of its operations including customer engagement, store front operations and supply chain management.

The Complainant states its first store was opened in Beijing, China in October 2017, and trademark registration for LUCKIN COFFEE was first filed in China in 2017. The Complainant contends that the LUCKIN COFFEE trademark is widely used in commerce. The Complainant states that it has 21,343 stores spread across the world which includes 45 stores in Singapore, as of the third quarter of 2024. The Complainant claims that it is a leading world-class coffee brand and its average monthly transacting customers during the third quarter of 2024 was about 79.8 million.

The Complainant further asserts that it has common law and statutory rights in all variants of the LUCKIN COFFEE mark, including word mark, its composite mark and the stylized mark. The Complainant maintains that the LUCKIN COFFEE mark is a distinctive source identifier which has been used continuously in commerce since 2017. The Complainant further states that due to extensive use, its mark has gained considerable goodwill and reputation. The Complainant states that it has won numerous awards and is a five times consecutive winner of the Gold Medal at the IIAC International Coffee Tasting Competition.

The Complainant argues that the disputed domain name which contains its mark, is likely to confuse Internet users who may associate it with the Complainant. Furthermore, as the disputed domain name is being passively held and is offered for sale, the Complainant claims that it has been registered and is used in bad faith.

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name. First, that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights. Second, the Respondent has registered the disputed domain name and / or used it in bad faith. The Complainant requests for the transfer of the disputed domain name.

B. Respondent

The Respondent did not reply to the Complainant's contentions within the stipulated time. Paragraph 16.1 of the Rules states that in the event a party does not comply with the time periods in the Policy and Rules, the

Panel must proceed to a decision unless there are exceptional circumstances. There are no exceptional circumstances, and the Panel now proceeds to render the findings and decision on the merits of the case.

6. Discussion and Findings

The Policy under paragraph 7.3 states that the Complainant in these proceedings is required to establish two elements to obtain the transfer of the disputed domain name, these are:

- (i) The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) The Respondent has registered and/or used the disputed domain name in bad faith.

A. Identical or Confusingly Similar

The first element requires the Complainant to establish the disputed domain name is confusingly similar to a trademark or a service mark in which it has rights. The Panel finds the Complainant has provided evidence of its registered trademark rights in the LUCKIN COFFEE mark. On the basis of the evidence on record, the Panel finds the Complainant has established its rights in respect of the trademark or service mark under the first element of the Policy.

It is well established that the first element is basically a standing requirement which involves a straight forward comparison between the disputed domain name and the mark. The Complainant has argued that the disputed domain name is visually and aurally similar to its mark.

The disputed domain name contains the LUCKIN COFFEE mark in its entirety along with the suffix “.com” and country code Top-Level Domain “.my” of Malaysia. It is well established that when comparing the disputed domain name with the mark, the country code Top-Level Domain “.my” may be generally disregarded, unless it forms part of the trademark in question. See *Ada Health GmbH v. Visi Finsight Sdn Bhd*, AIAC/DNDR Case No.1087-2022. The mark is recognizable within the disputed domain name.

Accordingly, the Panel finds the disputed domain name is confusingly similar to the LUCKIN COFFEE mark in which the Complainant has established rights. For the reasons discussed, the first element under paragraph 7.3.1 of the Policy has been met by the Complainant.

B. Registered and/or Used in Bad Faith

The Policy requires the Complainant to establish the disputed domain name has been registered and/or used in bad faith by the Respondent. The Panel notes that for the purposes of paragraph 7.3.2 of the Policy, paragraph 7.4 of the Policy specifies circumstances, in particular, but without limitation, if found by the Panel to be present, shall be evidence of the registration and / or use of a domain name in bad faith.

The Policy under paragraph 7.4 sets out a list of circumstances that may indicate that a domain name was registered and is used in bad faith, these are:

- (i) The respondent has registered the domain name mainly to sell, rent, or transfer the domain name for profit to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant; or
- (ii) The respondent has registered and /or is using the domain name to prevent the owner of a trademark or service mark from using the domain name which is identical with its trademark or service mark; or
- (iii) The respondent has registered the domain name for the purpose of disrupting the business of the complainant; or
- (iv) The respondent has registered and /or is using the domain name for the purpose of and with the intention to attract or divert for commercial gain, Internet users to:

- (a) the respondent's website or other online location
- (b) a website of the Complainant's competitor or
- (c) any other website and /or online location by creating a possibility of confusion or deception that the website and / or online location which is operated or authorized by, or otherwise connected with the Complainant and/or its trademark or service mark.

The Complainant has argued that the registration and use of the disputed domain name shows the Respondent's intent is to benefit from the goodwill and reputation associated with its distinctive mark. The Complainant has submitted substantial evidence regarding the fame, reputation and use of its mark in commerce. The Panel finds, based on the evidence on record, that the Complainant's LUCKIN COFFEE mark enjoys significant fame and reputation.

Where the trademark in question is distinctive and the facts and circumstances show that the respondent has shown no legitimate use for the disputed domain name, it is reasonable to infer that the disputed domain name has been registered to attract Internet users based on the reputation associated with the complainant's mark. In the present case, the Respondent ought to have known of the Complainant's prior rights in the LUCKIN COFFEE mark at the time of registration of the disputed domain name, given the distinctiveness of the mark which is a unique source identifier of the Complainant's business.

It has been consistently held in domain name disputes that the registration of a confusingly similar domain name to a known and reputed trademark, by someone who is not affiliated with the owner of the trademark and who has not shown good reason for registration of the disputed domain name or its legitimate use, can by itself create a presumption of bad faith. The disputed domain name does not resolve to an active website and has been put up for sale. Given the fact that the disputed domain name is not being used in connection with any real business, it suggests that the Respondent is likely to have intentions to improperly use the disputed domain name such as causing confusion, misleading and redirecting Internet users and persons looking for the Complainant.

The Respondent is entitled to make a representation in these proceeding under paragraph 7.5 of the Policy to establish the disputed domain name was not registered in bad faith and to demonstrate any rights or legitimate interests in the disputed domain name. The Respondent however did not avail the opportunity to make any representation, despite communication that were sent to the Respondent by the Center. The Panel having reviewed the entire record, finds that the case material does not indicate legitimate use of the disputed domain name or any evidence that refutes the Complainant's submissions.

The Panel finds the entire set of circumstances described here squarely comes under bad faith registration and use as envisaged under the Policy. On balance, given the (i) the degree of distinctiveness or reputation of the Complainant's mark, and its prior extensive use in commerce (ii) the failure of the Respondent to submit a response or to demonstrate any actual or contemplated good-faith use (iii) lack of any material in the case file that suggests any legitimate interest or rights in favor of the Respondent, and (iv) the disputed domain name having been put up for sale by the Respondent convinces the Panel that the Respondent has intentionally registered the disputed domain name in bad faith.

The Panel finds that the preponderance of facts and circumstances indicate that the Respondent's intention of registering and using the disputed domain name is with an intention to either sell, rent or transfer the disputed domain name for profit based on the Complainant's reputed trademark or to attract Internet users. Registration and use of the disputed domain name mainly to sell, rent or transfer it for profit based on a reputed trademark is described as bad faith under paragraph 7.4.1 the Policy. Registration and use of the disputed domain name for purposes of attracting or diverting Internet users to the Respondent's online location by creating a possibility of confusion or deception, for commercial gain, is described as bad faith under paragraphs 7.4.3 and 7.4.4 of the revised Policy.

The Panel finds for the reasons discussed, that the Complainant has established that the disputed domain name has been registered in bad faith and is being used in bad faith. The Complainant has satisfied the requirements under the Policy for the transfer of the disputed domain name.

7. Decision

For the foregoing reasons, in accordance with paragraphs 7.8 of the Policy and 17 of the Rules, the Panel orders that the disputed domain name <luckincoffee.com.my> be transferred to the Complainant.



Harini Narayanswamy

Sole Panelist

Date: February 27, 2025