

## Administrative Panel Decision

In the matter of AIAC/DNDR- 1523-2025

Between

EMCD Tech LTD  
[Complainant]

And

Tai Chi  
[Respondent]

Case No. AIAC/DNDR- 1523-2025

### GROUND OF DECISION

#### 1. The Parties

The Complainant is EMCD Tech LTD, with its registered office at Room 1207A, 12/F, OFFICEPLUS@PRINCE EDWARD, 794-802, Nathan Road, Kln, Hong Kong (“Complainant” or “EMCD”).

The Respondent is the registrant of the domain name “emcd.my”, whose identity is shielded by a privacy protection service. It has been identified as Tai Chi for the purpose of this proceeding.

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

The disputed domain name is EMCD.MY (“the Disputed Domain Name”), the Registrar is Gname.com Pte. Ltd. (“the Registrar”) and is a Malaysian country-code top-level domain name (“ccTLD”) administered by MYNIC Berhad.

According to the WHOIS records, the Disputed Domain Name was created on 29 April 2025 and is currently subject to registrar-level restrictions, including *clientHold* and *clientTransferProhibited* status.

#### 3. Procedural History

The Complainant submitted its Complaint with the Asian International Arbitration Centre (“AIAC”) pursuant to MYNIC’s (.my) Domain Name Dispute Resolution Policy (“the Policy”) and the Rules for MYNIC’s (my.) Domain Name Dispute Resolution Policy (“the Rules”) and the Supplemental

Rules of AIAC (“the Supplemental Rules”) in respect of the Disputed Domain Name.

The Respondent did not submit any response by the deadline of 10 December 2025.

An examination of the material confirms that all technical requirements for the initiation of this proceeding have been satisfied. Having verified that the Complaint satisfied the formal requirements, the proceeding formally commenced on 19 November 2025.

The Complainant having elected for a single member Panel, the Centre appointed Wong Jin Nee as the sole panellist in conformity with the Policy and the Rules. The Panel has submitted a statement of Declaration of Impartiality and Independence pursuant to the Rules.

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

##### **The Complainant**

- 4.1 The Complainant, EMCD Tech LTD (Company No. 2855638), is a company incorporated in Hong Kong, with its registered office at Room 1207A, 12/F, OfficePlus@Prince Edward, 794-802 Nathan Road, Kowloon, Hong Kong. The Complainant is engaged in the fields of cryptocurrency mining, blockchain technology and data centre services. The Complainant contends that it is one of the world’s largest cryptocurrency mining pools and is consistently ranked among the top ten mining pools globally. The EMCD ecosystem comprises a range of products and services, including a mining pool, a peer-to-peer (P2P) marketplace, and Coinhold storage wallets. Since its incorporation on 23 July 2019, the Complainant stated it has established a significant international reputation for providing high-quality services under the distinctive trademark “EMCD”, continually expanding the range of supported cryptocurrencies and enhancing its technological infrastructure. In 2020, EMCD averred that it achieved a major milestone by entering the top ten largest mining pools worldwide by Bitcoin mining volume.
- 4.2 The Complainant operates its primary official website at [www.emcd.io](http://www.emcd.io), which serves as a key platform through which its global client base accesses the Complainant’s services, support and informational resources. The trademark “EMCD” is said to be prominently and consistently used across the Complainant’s website, marketing materials, social media channels, and corporate communications, reinforcing its distinctiveness and association with the Complainant’s business.

4.3 The Complainant asserts exclusive ownership of the trademark “EMCD” and made references to the following and attaching copies of these registrations:

- (a) registration number 1 836 317, registered 26.08.2024 issued by WIPO;
- (b) registration number 1 836 318, registered 26.08.2024 issued by WIPO;
- (c) registration number 1059744, registered 16.02.2024 issued by Federal Service for Intellectual Property in Russia; and
- (d) registration number 1059633, registered 16.02.2024 issued by Federal Service for Intellectual Property in Russia.

4.4 The Complainant contends that it has acquired substantial common law rights in the trademark “EMCD” through extensive, continuous, and exclusive use in commerce, such that the EMCD trademark has come to function as a distinctive identifier of the Complainant’s services, thereby giving rise to secondary meaning. In support of this position, the Complainant submits that it operates its primary official website at [www.emcd.io](http://www.emcd.io), which serves as a key platform through which its global clientele access services, support, and information. The trademark “EMCD” is said to be prominently and consistently used across the Complainant’s marketing materials, social media presence, and corporate communications. The Complainant further asserts that, as a result of these activities, the trademark “EMCD” has generated significant goodwill and reputation and has become well known within its relevant field.

4.4.1 The Complainant has adduced evidence, as set out in Annex C-2 of the Complaint, demonstrating use of the trademark “EMCD” across its marketing materials, social media platforms, and corporate communications.

## **The Respondent**

The identity of the Respondent is unknown and there is no response filed by the Respondent.

## **5. The Parties’ Contentions**

### **The Complainant**

5.1 The Complainant contends that the registration of the Disputed Domain Name should be transferred to the Complainant.

5.2 The Complainant asserts rights in the trademark “EMCD” through international and national trademark registrations, as well as through extensive and continuous use giving rise to common law rights. The Complainant submits that the Disputed Domain Name <emcd.my> is identical to its EMCD trademark, with the country-code top-level domain

“.my” being a technical requirement that should be disregarded in the comparison.

- 5.3 The Complainant contends that the Respondent has no rights or legitimate interests in the Disputed Domain Name. The Respondent has never been authorised, licensed, or otherwise permitted to use the EMCD mark, is not commonly known by that name, and has no relationship with the Complainant. The Disputed Domain Name is not being used in connection with a bona fide offering of goods or services, nor for any legitimate non-commercial or fair use, and is being passively held.
- 5.4 The Complainant submits that the Disputed Domain Name was registered and/or is being used in bad faith. Given the distinctiveness and international reputation of the trademark “EMCD” in the cryptocurrency sector, the Respondent knew or ought to have known of the Complainant and its rights at the time of registration of the Disputed Domain Name. The Complainant further argues that the registration of a domain name identical to its trademark, without authorisation and without any legitimate use, constitutes bad faith, including bad faith passive holding. In support, the Complainant relies on prior AIAC and UDRP decisions involving similar circumstances.
- 5.5 The Respondent did not file any response to the Complainant’s Complaint.

## **6. Findings**

- 6.1 The Respondent did not provide any response as required under Rule 8. Paragraphs 18.1 and 18.2 of the Rules provide that in the event that a party fails to comply with the time periods prescribed under the Policy and the Rules, or with any time periods set by the Panel, the Panel shall proceed to render its decision on the Proceeding, unless exceptional circumstances are shown. Where a party fails to comply with any request made by the Panel, or with any provision or requirement of the Policy or the Rules, the Panel may draw such inferences from that failure as it considers appropriate, in the absence of exceptional circumstances.
- 6.2 In view of the lack of response filed by the Respondent, this proceeding has proceeded by way of default and the Panel will decide the proceeding on the basis of the Complainant’s undisputed factual submissions.
- 6.3 Paragraph 19.1 of the Rules provides that the Panel will decide the proceeding based on the documents and evidence submitted by the Parties, the Policy and Rules as well as any other rules and principles of

law which are applied in Malaysia. Accordingly, the Panel will proceed to decide based on the documents and evidence adduced in accordance with the Rules, Supplemental Rules, Policy and other rules and principles of law that the Panel deems applicable.

- 6.4 Paragraph 7.3 of the Policy provides that the Complainant must establish BOTH of the following elements in the Complaint:
- (i) The Disputed Domain Name is identical or confusingly similar to a trademark in which the Complainant has rights; and
  - (ii) The Respondent has registered or used the Disputed Domain Name in bad faith.
- 6.5 The Panel will address each of the requirements under the Policy, namely whether:
- (a) the Disputed Domain Name is identical or confusingly similar to the trademark “EMCD”;
  - (b) the Complainant has rights in the trademark “EMCD”; and
  - (c) the Disputed Domain Name has been registered or is being used in bad faith.

#### **Identical or Confusingly Similar**

6.6 The Panel finds that the Disputed Domain Name, “EMCD.my” is identical to the trademark “EMCD” in which the Complainant has rights and that the requirements of paragraph 4(a)(i) of the Policy therefore are fulfilled. The presence of the country-code top-level domain “.my” does not affect this assessment, as it is a technical requirement of registration and is therefore disregarded when determining identity or confusing similarity.

6.6.1 For the purposes of assessing identity or confusing similarity under paragraph 4(a)(i) of the Policy, it is permissible for the Panel to ignore the generic Top-Level Domain (“gTLD”), which in this case is “.my”, since it is viewed as a standard registration requirement (please refer to section 1.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition and the decisions mentioned therein (“WIPO Overview 3.0”)).

#### **Rights and Legitimate Interests**

6.7 Based on the Complainant’s trademark registration details, it appears that International Registration No. 1,836,317 is of the most relevant significance for the purposes of this proceeding. This international



registration is for the trademark , in Classes 9, 35, 36, 38 and 42 and designates the United Arab Emirates, Canada, the European Union, the United Kingdom and Singapore. Notably, Malaysia is not designated under this international registration. The other international registration no. 1 836 318 relates to the trademark



, which does not appear to be relevant to the present proceeding. Same goes for registration number 1059633 in Russia, which likewise concerns a mark different from the Disputed Domain Name and is not material to the issues under consideration.

6.8 The Panel notes that the stylised logo as depicted in the trademark



 consists solely of the letters “EMCD” presented in a stylised font. Notwithstanding the stylisation, the textual element of the mark is identical to the word mark “EMCD”, and no additional or distinguishing elements are present.

6.9 While Malaysia is not a designated country under the relevant international registrations and there is no direct evidence before the Panel of express use of the trademark “EMCD” by the Complainant in Malaysia, the Panel is nevertheless prepared, for the limited purposes of this proceeding, to adopt a broader and more flexible approach to the concept of “use”. In particular, the Panel notes that:

- (a) the trademark “EMCD” is not a common dictionary word, descriptive term or expression in ordinary usage and there is no evidence before the Panel that it is commonly used by third parties in a non-trademark sense.
- (b) the inherent distinctiveness of the term **EMCD**, when coupled with the manner in which it is used as a source identifier on the Complainant’s website and related materials, supports the

conclusion that it functions as a trademark rather than a generic or descriptive term;

- (c) the Complainant's website is publicly accessible to users in Malaysia and there is no indication that Malaysian users are excluded from accessing the Complainant's services;
- (d) Malaysia does not fall within any list of restricted or excluded jurisdictions in respect of the Complainant's offerings, as identified at its website at <https://emcd.io/business/restriction-countries/>;
- (e) the Complainant's products and services are global and internet-based in nature, such that their use and availability are not territorially confined.

6.10 In these circumstances, and notwithstanding the absence of a Malaysian trademark registration or evidence of targeted commercial activity in Malaysia, the Panel is prepared to accept that the Complainant may, on a prima facie basis, be able to establish legitimate rights in the trademark "EMCD" (the Disputed Domain Name was registered after the filing dates of the Complainant's trademark registrations and use of the EMCD trademark by the Complainant) that extend to Malaysia for the purposes of the first element under the Policy.

6.10.1 To establish unregistered or common law trademark rights for purposes of the UDRP, the complainant must show that its mark has become a distinctive identifier which consumers associate with the complainant's goods and/or services (please refer to paragraph 1.3 of WIPO Overview 3.0).

6.10.2 Where the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a proceeding (please refer to paragraph 1.2.1 of WIPO Overview 3.0).

6.10.3 The Respondent's failure to file a Response or to offer any credible explanation for its adoption of the identical term "EMCD" permits the Panel to draw an adverse inference, which further supports the Complainant's case.

6.11 The Panel finds that the Complainant has established a prima facie case, thereby shifting the evidential burden to the Respondent. The Respondent, by not filing any response, has failed to provide any evidence or explanation

for its registration of the Disputed Domain Name incorporating a trademark with which it has no apparent connection or affiliation with. In the absence of any such explanation, the Panel is unable to identify any basis upon which the Respondent could be said to have rights or legitimate interests in the Disputed Domain Name. Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name, and that the Complainant has satisfied the requirements of paragraph 4(a)(ii) of the Policy.

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

- 6.12 The Panel notes that paragraph 7.3.2 of the Policy employs the disjunctive term “or” in determining whether a domain name has been registered or is being used in bad faith. The use of this disjunctive wording indicates that the Panel is required to consider either bad faith registration or bad faith use, and not both. Accordingly, it is sufficient for the Complainant to establish one of these elements for the requirement under paragraph 7.3.2 of the Policy to be satisfied.
- 6.13 Notwithstanding this formulation, the Panel is of the view that the concept of a domain name “being used in bad faith” is not confined to positive or active conduct. In appropriate circumstances, inaction by a respondent may also fall within the scope of bad faith use. In other words, a domain name may, in certain circumstances, be regarded as being used in bad faith even where it is not actively used.
- 6.14 Paragraph 7.4 of the Policy provides that evidence of bad faith registration and/or use of a disputed domain name may include, among other things, the circumstances set out in paragraphs 7.4.1 to 7.4.4. The use of the phrase “may include” makes clear that these circumstances are non-exhaustive, and that other factual situations may constitute bad faith registration and/or use, provided they fall within the overall concept of bad faith contemplated by the Policy.
- 6.15 The Panel further notes that, since the inception of the UDRP, panels have consistently held that the non-use of a domain name, including

circumstances where the domain resolves to a blank or inactive page, does not preclude a finding of bad faith. This principle, commonly referred to as the doctrine of passive holding, requires the Panel to assess the totality of the circumstances in each case (see paragraph 3.3 of the WIPO Overview 3.0; *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. D2000-0003). The question that then arises is what circumstances of inaction, beyond those expressly identified in paragraphs 7.4.1 to 7.4.4 of the Policy, may constitute a domain name being used in bad faith. This question cannot be answered in the abstract and can only be determined by reference to the particular facts of a specific case. Accordingly, in considering whether the passive holding of a domain name, following a bad faith registration, satisfies the requirements of paragraph 7.3.2 of the Policy, the Panel must give close and careful attention to all relevant circumstances surrounding the Respondent's conduct.

6.16 In the present case, the Panel considers the following factors to be particularly relevant:

(i) the distinctiveness and reputation of the Complainant's trademark "EMCD";

(ii) the Respondent's failure to submit a Response or to provide any evidence of actual or contemplated good-faith use of the Disputed Domain Name;

(iii) the Respondent's use of a privacy or proxy service to conceal its identity; and

(iv) the absence of any plausible good-faith use to which the Disputed Domain Name could reasonably be put.

6.17 Having regard to these factors, the Panel finds that the Respondent's passive holding of the Disputed Domain Name constitutes bad faith registration or use within the meaning of the Policy.

## 7. Conclusion

7.1 Based on all the facts and evidence adduced and upon the reasoning provided above, the Panel decides that:

(a) the Disputed Domain Name is identical to the trademark “EMCD” to which the Complainant has rights; and

(b) the Respondent has registered or used the Disputed Domain Name in bad faith.

7.2 Accordingly the Panel directs that the Disputed Domain Name EMCD.my be transferred to the Complainant.



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Wong Jin Nee  
Sole Panellist  
Date: 2 January 2026