



Asian Domain Name Dispute Resolution Centre

seoul

(Seoul Office)

ADMINISTRATIVE PANEL DECISION

Case No. KR-1700170

Complainants: 1. SK Holdings Co., Ltd., 2. SK Telecom Co., Ltd.(Authorized Representative SungAm Suh International Patent & Law Firm)

Respondent: Whang ho

Disputed Domain Name(s): sktelecommunications.com

1. The Parties and Contested Domain Name

The Complainants are SK Holdings Co., Ltd. of 26, Jong-ro, Jongno-gu, Seoul 03188, Republic of Korea and SK Telecom Co., Ltd. of 65, Eulji-ro, Jung-gu, Seoul 04539, Republic of Korea. The Authorized Representative of Complainant is SungAm Suh International Patent & Law Firm of 9F, Hyunjuk B/D, 114 Yeoksam-ro, Gangnam-gu, Seoul 06252, Republic of Korea.

The Respondent is Whang ho of Suit no.203,204,205,206 Hug horn wachei street Hong Kong, China.

The domain name at issue is 'sktelecommunications.com', registered by PDR Ltd. d/b/a PublicDomainRegistry.com of Unit No 501, 5th floor and Unit IT Building No

3, NESCO IT Park, Western Express Highway, Goregaon (East), Mumbai Maharashtra 400063 India

2. Procedural History

The Complaint was filed with the Seoul Office of the Asian Domain Name Dispute Resolution Center (ADNDRC)[“Center”] on October 31, 2017, seeking for a transfer of the domain name in dispute.

On November 13, 2017, the Center sent an email to the Registrar asking for the detailed data of the registrant. On November 13, 2017, PDR Ltd. d/b/a PublicDomainRegistry.com transmitted by email to the Center its verification response, advising that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the Centre’s Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, the Centre formally notified the Respondent of the Complaint. The proceedings commenced on November 21, 2017 and the due date for the Response was December 11, 2017. No Response was filed by the due date.

On December 13, 2017, the Center appointed Mr. Jong-Yoon Kim as the Sole Panelist in the administrative proceeding and with the consent for the appointment, impartiality and independence declared and confirmed by the Panelist, the Center, in

accordance with paragraph 7 of the Rules, organized the Panel of this case in a legitimate way.

On December 29, 2017, the panelist gave the respondent a chance to submit further response regarding complaint until January 12, 2018. No further Response was filed by the due date.

Having reviewed the communications records, the Administrative Panel (the “Panel”) finds that the Centre has discharged its responsibility under Paragraph 2(a) of the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”) “to employ reasonably available means calculated to achieve actual notice to Respondent” through submission of Electronic and Written Notices, as defined in Rule 1 and Rule 2. Therefore, the Panel may issue its decision based on the documents submitted and in accordance with the ICANN Policy, ICANN Rules, the Center's Supplemental Rules and any rules and principles of law that the Panel deems applicable, without the benefit of any response from Respondent.

3. Factual background

Complainant1 (SK Holdings Co., Ltd.) is a holding company of SK group, and Complainant2 (SK Telecom Co., Ltd.) is one of the subsidiaries of Complainant1. Complainant1 is the owner of the Korean registered trademarks which include words ‘SK telecom’. Complainant2 has used the trademarks under permission of Complainant1, and has operated its website with domain name ‘sktelecom.com.’ The dominant part of the domain name is the same as the words included in the registered trademarks, and also the same as the words included in its trade name.

The disputed domain name was registered by Respondent on Sep. 6, 2017, which is much later than the registration dates of the above listed trademarks. At the time

when the present dispute occurred, the disputed domain name was connected to the website of Complainant2.

4. Parties' Contentions

A. Complainant

Because word 'telecom' included in the trademarks of Complainant1 is an abbreviation of word 'telecommunications', and because 'sk' represents 'SK Group', the meaning of 'sktelecom' is exactly the same as that of "sktelecommunications". Under the reason, Complainants assert that the disputed domain name is confusingly similar to their registered trademarks.

Complainants claim that Respondent has no right or legitimate interest in the disputed domain name because Complainants have never authorized Respondent to use the disputed domain name.

Complainants further assert that Respondent has registered and used the disputed domain name in bad faith, mentioning that Respondent has used the domain name to be connected to the website of Complainant2, and has never used the domain name for its own business.

B. Respondent

Respondent has not filed a Response. Under para. 5(e) of the Rules, it is provided that if a respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based on the complaint. As no exceptional circumstance has been brought to the Panel's attention, it proceeds to make the findings on the basis of the materials contained in the complaint. Furthermore, under para. 14(b) of the Rules, when a party defaults in complying with

any of the requirements of the Rules, in the absence of exceptional circumstances, the Panel is entitled to draw such inferences therefrom as it considers appropriate.

5. Findings

According to para. 4(a) of the Policy, for this Complaint to succeed in relation to the disputed domain name, the Complainant must prove that:

- (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 no right or legitimate interests in respect of the disputed domain name; and
- (iii) The disputed domain name has been registered in bad faith and is being used in bad faith.

A. Identical / Confusingly Similar

The trademarks registered in the name of Complainant1 consist of a butterfly device and words 'sk telecom'. In the words, 'sk' represents 'SK Group' and 'telecom' is an abbreviation of 'telecommunications.' Comparing the disputed domain name with the Complainants' registered trademarks, the meaning of 'sktelecommunications' is exactly same as that of 'sktelecom.'

Under the reason, Complainants assert that the disputed domain name is confusingly similar to their registered trademarks. Complainants' assertion is persuasive. Therefore, the Panel conclude that the Complainant has satisfied the requirements of para. 4(a)(i) of the Policy.

B. Rights and Legitimate Interests

The Policy enumerates several ways in which a respondent may demonstrate rights or legitimate interests:

“Any of the following circumstances, in particular but without limitation, if found by the Panel to be proved based on its evaluation of all evidence presented, shall demonstrate your rights or legitimate interests to the domain name for purpose of paragraph 4(a)(ii):

- (i) before any notice to you of the disputes, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in accordance with a bona-fide offering of goods or service; 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 Respondent has not provided evidence to prove its rights or legitimate interests on the disputed domain name. Therefore, the Panel conclude that the Complainant has satisfied the requirements of paragraph 4(a)(ii) of the Policy.

C. Bad Faith

At the time when the present domain name dispute occurred, the disputed domain name was connected to the website of Complainant². As of December 22, 2017, this Panel found that the domain name was not connected to any website. From the facts, it is assumed that Respondent has never used the disputed domain name for its own business, since it was registered.

Based upon the given facts, it is reasonably suspected that Respondent has tried to attract consumers of Complainant2 by connecting the domain name to the website of Complainant2 with such a bad intention as to use the domain name, after certain period of time, to deceive and mislead the attracted consumers for the purpose of obtaining unjust enrichment.

Under the reasons, the Panel finds that the Respondent has registered and used the disputed domain name with the bad faith within the meaning of para. 4(b)(iv) of the Policy. Therefore, the Panel conclude that the Complainant has satisfied the requirements of para. 4(a)(iii) of the Policy.

6. Decision

For all the foregoing reasons, in accordance with para. 4(i) of the Policy and para. 15 of the Rules, the Panel orders that the Domain Name, <sktelecommunications.com>, be transferred to the Complainant2.

Jong-Yoon Kim
Sole Panelist

Dated: January 16, 2018