



Asian Domain Name Dispute Resolution Centre

seoul

(Seoul Office)

## ADMINISTRATIVE PANEL DECISION

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**Case No.** KR-2000224

**Complainant 1:** Hanwha Corporation

**Complainant 2:** Hanwha Total Petrochemical Co., Ltd.

(Authorized Representative for Complainants 1 and 2 : Hwan Sung PARK,  
Eunwoo Lee, Hana CHOI, and Hyoeun SHIN of Lee & Ko)

**Respondent:** WANGSOON Aoun

**Disputed Domain Name(s):** hanwha-totai.com

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### 1. The Parties and Contested Domain Name

The Complainant 1 is Hanwha Corporation, of 86, Cheonggyecheon-ro, Jung-gu, Seoul, Korea.

The Complainant 2 is Hanwha Total Petrochemical Co., Ltd., of 103, Dokgot 2-ro, Daesan-eup, Seosan-si, Chungcheongnam-do, Korea.

The Respondent is WANGSOON Aoun, of 772 9th st, Lagos, Lagos, DN3 6GB, United Kingdom.

The domain name at issue is 'hanwha-totai.com', registered by the Respondent with NameCheap, Inc. of 4600 East Washington Street, Suite 305, Pheonix, AZ 85034, USA.

### 2. Procedural History

The Complaint was filed with the Seoul Office of the Asian Domain Name Dispute Resolution Center (ADNDRC)[“Center”] on December 2, 2020, seeking for a transfer of the domain name in dispute.

On December 8, 2020, the Center sent an email to the registration organization asking for the detailed data of the registrant, and the registration organization, on December 8, 2020, responded with the detailed data checked, including checking over the registrant.

On December 10, 2020, the Center examined whether the Complaint satisfies the formal requirements set out in the Uniform Domain Name Dispute Resolution Policy (the "Policy"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the ADNDRC Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

On December 10, 2020, the Centre sent the Respondent the “Written Notice of Complaint” via email. The Center informed the Respondent of a due date, January 7, 2021, for the submission of its Reponse.

On July 8, the Center confirmed that the Repondent did not submit the Response Form.

On January 15, 2021, the Center appointed Mr. Doo-Hyung Do as the Sole Panelist of this case, 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.

### **3. Factual background**



The Complainant 1, established in 1952, is one of the largest companies in Korea and a key company of the corporate group commonly known as the “Hanwha Group”, to which the Complainant 2 also belongs. As of the year 2018, Hanwha Group had 76 affiliates in Korea and 351 subsidiaries and affiliates worldwide and the Group’s total sales reached 61.96 billion Won in 2018. Hanwha Group is listed as one of the Fortune Global 500 companies and the 7<sup>th</sup> largest business enterprise in Korea.

Coporate names of most companies belonging to the Hanwha Group contain the “Hanwha” or “한화”, the Korean transliteration of “Hanwha”.

The Complainant 1 is the owner of over 326 trademarks registered in Korea and other countries, in which “Hanwha” or “한화” is the distinctive element of the trademarks (hereinafter collectively referred to as the ‘Hanwha trademarks’) and some of such Hanwha trademarks are as follows:

Trademark	Goods and Services	Registration Number	Registration Date	Registration Country
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<p><b>HANWHA</b></p>	<p>International banking, arranging of financial investment, safe deposit services, mutual savings, financing services for new technology business, issuance of credit cards, fiduciary, banking, mortgage banking, services of a stockbroker, securities trading services, securities brokerage, brokerage of bonds, financial services relating to investment, hire purchase financing services, etc.</p>	<p>0022751</p>	<p>1993.12.24</p>	<p>Korea</p>
<p><b>HANWHA</b></p>	<p>Hotel business, tourism accommodation business, resort condominium management and operation, tourist temporary accommodation reservation business, tourist accommodation arrangement, tourist accommodation guidance business, management business for overseas tourism site development investment, real estate rental business, building distribution business, sales agency services of building, real estate management, lease of real estate, etc.</p>	<p>0023037</p>	<p>1994.02. 23.</p>	<p>Korea</p>
<p><b>한 화</b> (Korean notation of HANWHA)</p>	<p>International banking, arranging of financial investment, safe deposit services, mutual savings, financing services for new technology business, issuance of credit cards,</p>	<p>0022745</p>	<p>1993.12.24</p>	<p>Korea</p>

	fiduciary, banking, mortgage banking, services of a stockbroker, securities trading services, securities brokerage, brokerage of bonds, financial services relating to investment, hire purchase financing services, etc.			
<b>한 화</b> (Korean notation HANWHA)	Hotel business, tourism accommodation business, resort condominium management and operation, tourist temporary accommodation reservation business, tourist accommodation arrangement, tourist accommodation guidance business, management business for overseas tourism site development investment, real estate rental business, building distribution business, sales agency services of building, real estate management, lease of real estate, etc.	0023036	1994.02. 23.	Korea
	FINANCING SERVICES FOR DEVELOPMENT; INTERNATIONAL BANKING; LOAN FINANCING; DEBT COLLECTION; DEBIT CARD SERVICES; LEASE FINANCING SERVICES, etc.	3600848	April 7, 2009	U.S.A.
	Leasing of real estate, leasing of condominiums, apartments, villas, residential homes	4021097	September 6, 2011	U.S.A.

	and buildings; real estate management services			
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The Complainant 2, is one of the leading companies in the petrochemical business in Korea, earned the official certification of Korea’s World Class Products 4 years in a row and maintained the leading status in the such areas as EVA used in solar cells, HDPE used in bottle caps, EVA used in extrusion coating, flow mark free polypropylene (FMF PP) used in automotive composite materials, and high isotactic polypropylene (HIPP) used in electronic applications and in 2018, its total sales reached 10,188 million USD.

The Complainant 2 owns a number of domain names containing “hanwhatotal” as follows:

	Domain’s Owned by Complainant 2	Registration Date
1	hanwha-total.com	2015. 1. 7.
2	hanwha-total.co.kr	2015. 1. 7.
3	hanwhatotal.com	2014. 11. 25.
4	hanwhatotal.co.kr	2014. 11. 26.
5	hanwhatotal-chem.co.kr	2015. 1. 15.
6	hanwhatotalchem.com	2015. 1. 15.
7	hanwhatotalchem.co.kr	2015. 1. 15.
8	totalhanwha.com	2015. 1. 15.
9	totalhanwha.co.kr	2015. 1. 15.
10	totalhanwhachem.com	2015. 1. 15.
11	totalhanwhachem.co.kr	2015. 1. 15.
12	totalhanwhachemicals.co.kr	2015. 1. 15.
13	totalhanwha-chemicals.com	2015. 1. 15.
14	totalhanwha-chem.co.kr	2015. 1. 15.

‘Hanwha’ is a term coined by the Complainant 1 and has no specific meaning either in Korean or in any other language and has been used by the companies belonging to the Hanwha Group as an essential element in their corporate names.

The Respondent obtained the registration of the disputed domain name on July 3, 2020.

At about the time of the registration of the disputed domain name, the Respondent, disguising itself as the Complainant 2, sent out emails to the Complainant 2’s customers directing them to a new payment account and asking for their payment schedules.

Screen shots of the webpages appearing after the access to the website of the disputed domain name show the various links diverting internet users to the websites of the products and services unrelated to the Complainants and the Hanwha Group.

#### **4. Parties' Contentions**

##### **A. Complainants**

The Complainant's contentions may be summarized as follows:

- i. The disputed domain name is not only almost identical to the Complainant 2' company name as well as the domain name 'hanwhatotal', and the term 'total', which is used in conjunction with the Complainant 1's mark 'hanwha' is unlikely to be recognized as having a particular meaning.
- ii. The Respondent is using the the disputed domain name as a 'phishing' website to fraudulently divert payments from the Complainant 2's customers and gather sensitive user information, and thus lacks any right and legitimate interests in respect of the disputed domain name. Further, the Respondent is using the disputed domain name as a 'parking' website providing links to third parties having no relationship with the Complainants.
- iii. While the Complainants and the Hanwha Group companies have been using 'Hanwha' mark, which was first registerd in Korea in 1993 and in the USA in 2008, for as long as 70 years, the Respondent registered the disputed domain name on July 3, 2020, which clearly shows the Respondent's bad faith in registering and using the disputed domain name. Further, the fact that the Respondent has been using the disputed domain name for phishing and parking purposes is a clear evidence of the Repondent's bad faith.

##### **B. Respondent**

The Respondent did not reply to the Complainants' contentions.

#### **5. Findings**

The Policy provides, at Paragraph 4(a), that each of three findings must be made in order for the Complainant to prevail:

- i. Respondent's domain name is identical or confusingly similar to a trademark or a service mark in which Complainant has rights; and
- ii. Respondent has no rights or legitimate interests in respect of the domain name; and

- iii. Respondent's domain name has been registered and is being used in bad faith.

#### **A) Identical / Confusingly Similar**

The Complainant 1 is the owner of various trademarks in multiple jurisdictions and in many classifications and the distinctive portion of the 'Hanwha' trademarks is 'Hanwha'.

The main portion of the disputed domain name is composed of two parts, namely, 'hanwha' and 'totai', of which 'hanwha' is a term coined by the Complainant 1 and used by it as an essential part of its many trademarks. The other portion of the main part of the disputed domain name is 'totai', and, when considering the lack of any logical necessity of this misspelled word to be combined with 'hanwha', it is reasonable to think that the Respondent intentionally replaced the last letter of the term 'total' with 'i' in order to make it similar to the corporate name of the Complainant 2, which also belong to the Hanwha Group, and thus the portion of 'totai' can be regarded as a nonessential part of the disputed domain name.

When comparing the disputed domain name with the Complainant 1's Hanwha trademarks, only the second-level portion of the disputed domain name and the distinctive portion of the Complainant 1's trademarks must be taken into account.

Therefore, the Panel finds that the disputed domain name incorporating 'hanwha' as its essential element is confusingly similar to the Complainant 1's Hanwha trademarks and that the Complainants have satisfied the first element of the Policy.

#### **B) Rights and Legitimate Interests**

The Policy provides, at Paragraph 4(c), for some examples without limitations of how a respondent can demonstrate a right or legitimate interest in a domain name:

- i. Before receiving any notice of the dispute, the respondent used or made demonstrable preparations to use the domain name in connection with a *bona fide* offering of goods or services; or
- ii. The respondent has been commonly known by the domain name; or
- iii. The respondent is 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 at issue.

The Complainants have not licensed nor authorized the use of its trademark to the Respondent or otherwise permitted the Respondent to register the disputed domain name in its name.

There is no indication that the Respondent is commonly known by the disputed domain name.

There exists no evidence to demonstrate the Respondent's intent to use or to make demonstrable preparations to use the disputed domain name in connection with a *bona fide* offering of goods or services.

Based on the Respondent's default and on the *prima facie* evidence in the Complaint, the Panel finds that there exists no circumstance demonstrating the Respondent's right or legitimate interest in the disputed domain name.

Consequently, the Panel is satisfied that the Respondent has no rights or legitimate interests in the disputed domain name, and the Complainants have proven the second element of the Policy.

### **C) Bad Faith**

The Policy states, at Paragraph 4(b), that the following circumstances in particular, but without limitation, shall be evidence of registration and use of a domain name in bad faith:

- i. Circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of documented out-of-pocket costs directly related to the domain name; or
- ii. The respondent registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
- iii. The respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- iv. By using the domain name, the respondent has intentionally attempted to attract, for commercial gain, internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location.

The Panel has the view that the following facts and considerations must be taken into account in finding the intent of the Respondent when registering the disputed domain names:

The Respondent is not related to, or affiliated with, either the Complainant 1 or the Complainant 2 and the Complainants have never authorized or granted license to the Respondent to use the marks incorporating 'hanwha' or 'hanwha-total', of which



'hanwha' is a term invented by the Complainant 1 to show the corporate identity of the Complainants and other companies belonging to the Hanwha Group;

The Complainants have provided its products and services using the "hanwha" mark and other related trademarks long before the registration of the disputed domain name, and "hanwha" has already gained well established worldwide reputation as the Complainants' trademark when the Respondent completed the registration of the disputed domain names;

The Respondent registered the disputed domain name and sent out emails to the Complainant 2's customers, disguising itself as the Complainant 2, directing them to a new payment account and asking for their payment schedules;

The website pages accessed at the disputed domain name, since its registration, have been used to divert internet users to the products and services unrelated to the Complainants; and

The Respondent has neither responded to the Complainants' arguments regarding the Respondent's phishing and parking activities, nor produced any evidence showing that the Respondent is not engaged in the phishing and parking operations.

In light of the foregoing facts and considerations, it is fairly reasonable to infer that the Respondent has intentionally attempted to attract, for commercial gain, internet users to other websites, by creating a likelihood of confusion with the Complainants' "hanwha" and other related trademarks as to the source, sponsorship or endorsement of the Respondent's website.

Accordingly, the Panel finds that the Complainants have proved that the disputed domain name was registered and is being used in bad faith, satisfying the third element of the Policy.

## **6. Decision**

For the foregoing reasons, in accordance with the paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <Hanwha-total.com> be transferred to the Complainant 1.



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Do, Doo-Hyung  
Sole Panelist

Date: February 16, 2021