



Asian Domain Name Dispute Resolution Centre

seoul

(Seoul Office)

ADMINISTRATIVE PANEL DECISION

Case No.KR-2300242

Complainant: Celltrion Holdings Co., Ltd.

(Authorized Representative: Jeongsik KIM; Sung-Dong JO
Patent Attorney, SHIN & KIM LLC)

Respondent: Manlidy/GNN

Disputed Domain Name(s): <celltrion-ent.com>

1. The Parties and Contested Domain Name

The Complainant is Celltrion Holdings Co., Ltd. 5th, 19, Academy-ro 51beon-gil, Yeonsu-gu, Incheon, Republic of Korea

The Respondent is Manlidy / GNN, Singapore

The domain name at issue is <celltrion-ent.com>, registered by OwnRegistrar Inc., USA

2. Procedural History

The Complaint was filed with the Seoul Office of the Asian Domain Name Dispute Resolution Center (ADNDRC)[“Center”] on March 17, 2023, seeking for a transfer of the domain name in dispute.

On March 29, 2023, the Center sent an email to the Ownregistra Inc. asking for the detailed data of the registrant. On March 30, 2023, the Registrar verified that Manlidy / GNN is the current registrant of the name and that the Respondent is bound by the Ownregistra Inc. registration agreement and has thereby agreed to resolve domain disputes brought by third parties in accordance with ICANN’s Uniform Domain Name Dispute Resolution Policy (“Policy”).

The Center verified that the Complaint satisfied the formal requirements of the Policy, the Rules for the Policy (“Rules”), and the Center’s Supplemental Rules for the Policy.

In accordance with the Rules, the Centre formally notified the Respondent of the Complaint. The proceedings commenced on April 21, 2023 and the due date for the Response was May 11,

2023. No Response was filed by the due date.

On May 16, 2023, the Center appointed Mr. Dae-Hee Lee 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.

Having reviewed the communications records, the Administrative Panel (“Panel”) finds that the Center has discharged its responsibility under Paragraph 2(a) of 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 Policy, the 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

Complainant Celltrion Holdings Co., Ltd. (“Complainant”) is a major conglomerate centered on Celltrion, Inc. of which Complainant is the largest shareholder. Celltrion, Inc. is the global integrated biotechnology company in Korea involved in the research, development, and production of biosimilar, biodrugs, and chemical drugs. Complainant is the No. 15 corporation on the KOSPI index, and Celltrion Group, to which Complainant belongs, is a corporate group consisting of Celltrion Co., Ltd. and many subsidiaries infiltrating various industries, such as drugs, entertainment and beauty industries.

Complainant owns numerous trademark registrations for ‘CELLTRION’ which is a well-known mark (“dispute mark”). Complainant had held the disputed mark before <celltrion-ent.com> (“disputed domain name”) was registered.

4. Parties’ Contentions

A. Complainant

Complainant argues that the disputed mark is widely known in and outside Korea, and that the disputed domain name is similar enough to cause confusion. Complainant is the rightful owner of the disputed mark which has been widely recognized since it was registered in 2002. And the disputed domain name is similar to the disputed mark because it is simply a combination of the disputed mark and the extension ‘-ent’.

Complainant argues that Respondent does not have any rights or legitimate interests in respect of registering the disputed domain name; Respondent is completely unrelated to Complainant; and even though Respondent was not granted any authorization by Complainant, Respondent registered the disputed domain name October 9, 2022. Complainant argues that Respondent has unfairly preoccupied the disputed domain name for the purpose of unfair gain without any rights or legitimate interests in respect of the dispute domain name.

B. Respondent

The Respondent did not reply to the Complainant’s contentions.

5. Discussion and Findings

Paragraph 4(a) of the Policy requires that a complainant prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

- (i) the domain name registered by Respondent is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the domain name; and
- (iii) the domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

Based upon Complainant's uncontested evidence of its use of the disputed mark CELLTRION, the Panel finds that Complainant has rights in the CELLTRION mark. Complainant owns 189 trademark registration for CELLTRION including its Korean version.

The disputed domain name incorporates in its entirety Complainant's CELLTRION mark, and just adds the extension '-ent'. Because the CELLTRION mark is recognizable within the disputed domain name, the addition of such terms as '-ent' does not prevent a finding of confusing similarity under the first element.

For the foregoing reasons, the Panel finds that paragraph 4(a)(i) of the Policy has been satisfied.

B. Rights or Legitimate Interests

Complainant must prove that Respondent has no rights to or legitimate interests in the disputed domain name. Once a complainant makes out a prima facie case that the Respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name.

According to paragraph 4(c) of the Policy, "[a]ny 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 [Respondent's] rights or legitimate interests in the domain name for purposes of paragraph 4(a)(ii):

- (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.

In the Complaint, Complainant alleges that it has not granted any third party other than Complainant's group with the right to use the mark. Thus, the Panel finds that Complainant made a prima facie case, and that Respondent has the burden to rebut. However, Respondent did not respond to the Complaint.

In addition, Respondent is using the disputed domain name for the website pretending to be that of the Chinese company with which Respondent does not have any association.

For the foregoing reasons, the Panel finds that paragraph 4(a)(ii) of the Policy has been satisfied.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy states nonexclusive circumstances which, if found, shall be evidence of the registration and use of the domain name by Respondent in bad faith:

- (i) “circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to Complainant who is the owner of the trademark or service mark or to a competitor of Complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or
- (ii) you have 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 you have engaged in a pattern of such conduct; or
- (iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other on-line location, by creating a likelihood of confusion with Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location.”

With regard to whether Respondent registered the domain name in bad faith, the Panel notes that the disputed domain name was registered on October 9, 2022 while the Complainant’s mark CELLTRION was registered in 2002 for the first time, and that almost all of 189 marks of Complainant were registered before October 9, 2022.

Furthermore, Complainant has been well known for CELLTRION as its trademark and tradename. Accordingly, it seems to the Panel quite conceivable that Respondent registered the disputed domain name in October, 2022 knowing well the trademark and tradename of Complainant.

With regard to whether Respondent uses the disputed domain name in bad faith, the Panel notes that Respondent is using the disputed domain name that is confusingly similar to Complainant’s CELLTRON mark even if Respondent has no rights or legitimate interests in the Complainant’s mark CELLTRION. Respondent is currently using the disputed domain name for the website which pretends to be that of the Chinese company with which Respondent seemingly has, and Complainant has, no relationship. In the present circumstances, it is reasonable to infer that there was no reason for Respondent to have registered the disputed domain name other than to trade off the reputation and goodwill of the Complainant’s mark by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the website.

Accordingly, the Panel finds that the disputed domain name has been registered and that is being used in bad faith, and the third condition of paragraph 4(a) of the Policy has been satisfied.

6. Decision

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



Dae-Hee Lee

Sole Panelist

Dated: June 8, 2023