



Asian Domain Name Dispute Resolution Centre

seoul

(Seoul Office)

ADMINISTRATIVE PANEL DECISION

Case No. : KR-2300246

Complainant: CELLTRION, Inc.

(Authorized Representative : Jeongsik Kim; Sungdong Jo Patent Attorney, SHIN&KIM LLC)

Respondent: CATCHDADDY LLC / Registration Private

Disputed Domain Name(s): < veblocema.com >

1. The Parties and Contested Domain Name

The Complainant is CELLTRION, Inc., of Academy-ro 23, Yeonsu-gu, Incheon 22014, Republic of Korea.

The Respondent is CATCHDADDY LLC, of 1300 E. Missouri Avenue Suite A-110, Phoenix, AZ 85014, United States.

The domain name at issue is <veblocema.com>, registered with Dynadot Inc. of contact email of abuse@dynadot.com.

2. Procedural History

The Complaint was filed with the Seoul Office of the Asian Domain Name Dispute Resolution Center (ADNDRC)[“Center”] on August 10 2023, seeking for a transfer of the domain name in dispute.

On August 21 2023, the Center sent an email to the Registrar asking for the detailed data of the registrant. On August 22, 2023, Dynadot Inc. 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 August 23, 2023 and the due date for the Response was September 12, 2023. No Response was filed by the due date.

On September 2023, the Center appointed Mr. Dae-Hee Lee as 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.

3. Factual background

The Complainant

The Complainant in this case is Celltrion, Inc. ("Complainant"), a company established in 2002 which manufactures antibody drugs used to treat tumors and autoimmune diseases. The Complainant registered VEBLOCEMA ("disputed mark") as a trademark in Korea, Switzerland and Lichtenstein on April 5, 2022, March 23, 2022, and January 10, 2022 respectively. Those trademarks were registered mainly for pharmaceuticals. The Complainant appointed Jeongsik Kim and Sungdong Jo as its authorized representative in this matter.

The Respondent

The Respondent, named as Registration Private, is the current registrant of the disputed domain name < veblocema.com > according to the Dynadot Inc.. The address of the Respondent from the registration information is 1300 E. Missouri Avenue Suite A-110, Phoenix, AZ 85014, United States. Respondent's email is stated to be contact@catchdaddy.com. According to WHOIS registration information, the disputed domain name < veblocema.com > was registered on November 7, 2022.

4. Parties' Contentions

A. Complainant

First, the Complainant argues that it has registered the disputed mark in Korea, Switzerland and Lichtenstein, and that the essence of disputed domain name is substantially identical to the disputed mark.

Second, the Complainant argues that the Respondent is a third party having no association with the Complainant, and that it has not granted the right to use the the disputed domain name to a third party other than its Swiss partner.

Third, the Complainant argues that the Respondent is using the disputed domain name with the intention of commercial gain by causing confusion with Complainant's trademark to intentionally lure online users to their website.

Based upon those arguments, the Complainant concludes that requirements of Article 4(a) of the POLICY are met, and that the disputed domain name should be transferred to it.

B. Respondent

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

5. Discussion and 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 must be identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

- ii. The 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

Based upon Complainant's uncontested evidence of its registration and ownership of the disputed mark VEBLOCEMA, the Panel finds that the Complainant has rights in the disputed mark. The Complainant has registered trademarks in three countries including Korea.

The disputed domain name < veblocema.com > is composed of Complainant's VEBLOCEMA mark, and just adds the extension 'com'. Because the VEBLOCEMA mark is recognizable within the disputed domain name, the addition of such terms as 'com' does not prevent a finding of confusing similarity under the first element of 4(a) of the Policy. For the foregoing reasons, the Panel finds that paragraph 4(a)(i) of the Policy has been satisfied.

B. Rights and Legitimate Interests

The Complainant needs to prove that the Respondent has no rights to or legitimate interests in the disputed domain name. Once the 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 to or legitimate interests in the domain name.

The Complainant is a trademark holder of the disputed mark which is included in the disputed domain name. In the Complaint, the Complainant alleges that it has not granted the right to use the disputed domain name to any third party other than its Swiss partner. Thus, the Panel finds that the Complainant made a prima facie case, and that the Respondent has the burden to rebut. However, the Respondent did not respond to the Complaint.

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

C. Bad Faith

The Complainant needs to prove that Respondent's domain name has been registered and is being 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 the Complainant who is the owner of the trademark or service mark or to a competitor of The 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 the Respondent registered the domain name in bad faith, the Panel notes that the disputed domain name was registered on November 7, 2022 while Complainant's mark VEBLOCEMA was registered on April 5 2022, in Korea, on March 23, 2021 in Switzerland and on January 10 2022 in Lichtenstein, respectively. Furthermore, Complainant's mark VEBLOCEMA has been coined by itself, and has no lexical meaning such that others cannot easily conceive of the disputed mark without knowing the existence of the disputed mark.

Accordingly, it seems to the Panel quite conceivable that the Respondent registered the disputed domain name in November 2022 knowing well the trademark of the Complainant.

With regard to whether the Respondent uses the disputed domain name in bad faith, the Panel notes that the Respondent is trying to resell the disputed domain name at \$24,999, that the users who type the disputed domain name are forwarded to the site for reselling it, and that the Respondent registered the disputed domain name even if it has no rights to or legitimate interests in the disputed mark VEBLOCEMA. In the present circumstances, it is reasonable to infer that there was no reason for the Respondent to register the disputed domain name other than to resell it.

Accordingly, the Panel finds that the disputed domain name has been registered and 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 < veblocema.com > be transferred to the Complainant.



Dae-Hee Lee

Sole Panelist

Dated: September 21, 2023