



Asian Domain Name Dispute Resolution Centre

seoul

(Seoul Office)

ADMINISTRATIVE PANEL DECISION

Case No. KR-2200234

Complainant: Hyundai Motor Company
(Authorized Representative for Complaint : NAM & NAM IP law firm)

Respondent: Amir Cohen

Disputed Domain Name(s): hyundail.com

1. The Parties and Contested Domain Name

The Complainant is Hyundai Motor Company, 12, Heolleung-ro, Seocho-gu, Seoul, Republic of Korea.

The Respondent is Amir Cohen, Suite 1 Mec Complex Avenue d Aroha, Providence, Mahe, 10001, Republic of Seychelles.

The domain name at issue is 'hyundail.com', registered by Key-Systems GmbH.

2. Procedural History

The Complaint was filed with the Seoul Office of the Asian Domain Name Dispute Resolution Center (ADNDRC) ["Center"] on March 4, 2022, seeking for a transfer of the domain name in dispute.

On March 8, 2022, the Center sent an email to the Registrar asking for the detailed data of the registrant. On March 14, 2022, Key-Systems GmbH 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 March 15, 2022 and the due date for the Response was April 4, 2022. No Response was filed by the due date.

On April 8, 2022, the Center appointed Mr. Chanmo Chung 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.

3. Factual background

The Complainant is a world-renowned registered business operator that mainly produces and sells finished cars under the name of HYUNDAI MOTOR COMPANY, and is the registered trademark holder of the trademark "HYUNDAI", registered under Registration No. 40-0178391 covering Class 12 goods.

According to the WHOIS database and the information provided by the Key-Systems GmbH, the Respondent uses the domain name www.hyundail.com (hereinafter referred to as the 'disputed domain name').

4. Parties' Contentions

A. Complainant

The Complainant's contentions may be summarized as follows:

The disputed domain name is confusingly similar to a trademark in which the Complainant has rights; The Respondent has no rights or legitimate interests in respect of the domain name; and the disputed domain name has been registered and is being used in bad faith. The Complainant requests that the disputed domain name be cancelled.

B. Respondent

The Respondent failed to submit a Response in this proceeding.

5. Findings

The ICANN Uniform Domain Name Dispute Resolution Policy provides, at Paragraph 4(a), that each of three findings must be made in order for a Complainant to prevail:

- i. Respondent's domain name must be identical or confusingly similar to a trademark or 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.

The Panel examines whether the Complainant established all three elements in turn.

A) Identical / Confusingly Similar

The main part of disputed domain, "hyundail" has no particular meaning in itself, and differs from the Complainant's trademark, "hyundai" merely by the appended English letter "l", which is pronounced close to silent. Thus, the disputed domain is confusingly similar in form and sound to the Complainant's registered trademark. Therefore, the Complainant satisfied the first element of the UDRP.

B) Rights and Legitimate Interests

The Panel notes that the Respondent is not a legitimate distributor of the Complainant nor actually supplies the Complainant's products or services, and the website does not accurately indicate the relationship between the Respondent and the Complainant. It is also noted that while the website intensifies consumer confusion by using the words related to the Complainant in the meta description displayed at the top of the portal site it is often forwarded to an illegal online casino site. Thus, it is presumed that the Respondent has no rights or legitimate interests in respect of the domain name.

C) Bad Faith

The Panel notes that the web page resolved through the disputed domain displays the phrase "Buy this domain" at the top-right corner, which leads to a sales offer at the price of 2,399 USD. The Panel also notes that the respondent used meta descriptions of the disputed domain name on the search portal site Google, which causes obstruction in the Complainant's business. The Panel thus finds that the disputed domain name has been registered and is being used in bad faith.

6. Decision

The Panel therefore finds all three elements required to be proven under the ICANN Policy in favor the Complainant, and concludes that the relief requested must be granted. Accordingly, it is ordered that the 'hyundail.com' domain name be CANCELLED.



Chanmo Chung
Sole Panelist

Dated: April 20, 2022