



(Seoul Office)

ADMINISTRATIVE PANEL DECISION

Case No.	KR-2300244
Complainant:	(1) Hurom Co., Ltd / (2) Hurom LS Co., Ltd
Respondent:	Christopher Alexander
Disputed Domain Names:	<huromus.com >, <ushurom.com >, <ushurom.co > and <huromtm.com >

1. The Parties and Contested Domain Name

The Complainant 1 is Hurom Co., Ltd., of 80-60, Golden root-ro, Juchon-myeon, Gimhae-si, Gyeongsangnam-do, Republic of Korea.

The Complainant 2 is Hurom LS Co., Ltd., of 228, Hakdong-ro, Gangnam-gu, Seoul, Republic of Korea.

The Respondent is Christopher Alexander, of 56 Sutcliffe Terrace, Nepean, ON, Canada.

The domain names at issue are <huromus.com>, <ushurom.com>, <ushurom.co> and <huromtm.com>, registered by the Respondent with NameCheap Inc.

2. Procedural History

The Complaint was filed with the Seoul Office of the Asian Domain Name Dispute Resolution Center (ADNDRC)[“Center”] on April 19, 2023, seeking for a transfer or cancel of the domain name in dispute.

On April 25, 2023, the Center sent an email to the NAMECHEAP Inc. for the detailed data of the registrant. On April 25, 2023, the Registrar verified that Christopher Alexander is the current registrant of the domain names and that the Respondent is bound by the NAMECHEAP 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 (the “Policy”).

The Center verified that the Complaint satisfied the formal requirements of the Policy, the Rules for the Policy (the "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 May 4, 2023 and the due date for the Response was May 24, 2023. No Response was filed by the due date.

On May 25, 2023, the Center appointed Mr. Chan-Mo 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.

Having reviewed the communications records, the Administrative Panel (the “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

On the bases of the formal submission and evidence provided by the Complainant and undisputed by the Respondent, the followings are accepted as relevant facts.

The Complainant 1, Hurom Co., Ltd., was established on October 26, 1979 with the name Dong-A Industrial Corporation and changed its name to the current one on June 1, 2011. It is primarily engaged in the manufacture and sale of home appliances and kitchenware.

The Complainant 2, Hurom LS Co., Ltd., a spin-off of the Complainant 1, was established in December 2019. Its main business area is the sales and marketing of the Complainant 1’s products.

The Complainant 2 has inherited the trademarks and design rights related to the coined mark, “HUROM” from the Complainant 1, while the Complainant 2 maintains related patents. The Complainant 2 has overseas subsidiaries in the United States, Japan, China, and Germany.

The Complainant collectively used “Hurom” since 2006 as a product brand name, since 2011 as the company brand name, and since 2008 have registered the brand name as trademarks around the world including Korea, China, UK, and the U.S.

The Respondent registered <huromus.com> on February 14, 2023, <ushurom.com> on February 26, 2023, <ushurom.co> on March 5, 2023, and <huromtm.com> on March 14, 2023.

4. Parties’ Contentions

A. Complainant

The Complainant’s contentions may be summarized as follows:

- i. The disputed domain names contain the Complainant’s registered marks and trade name “Hurom” as a whole. Thus, they are confusingly similar.
- ii. The fact that the Respondent has no trademark or other name rights in “Hurom” suggests the Respondent has no rights or legitimate interests in respect of the disputed domain names.

- iii. Various behaviors, including the fact that the Respondent used the disputed domain names to host websites similar to the Complainant's, suggest bad faith of the Respondent in the registration and use of the disputed domain names.
- iv. Thus, the Complainant requests that the disputed domain names be transferred to the Complainant 2 or be cancelled.

B. Respondent

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

According to Paragraph 5(f) of the UDRP Rules, if a Respondent does not submit a response, the Panel shall decide the dispute based upon the complaint.

5. Findings

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

- i. Respondent's domain name is 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.

A) Identical / Confusingly Similar

In the disputed domain names, ".com" and ".co" may be disregarded in our analysis of similarity as they are non-distinctive identifiers of generic and country-code top level domain names (WIPO/D2006-0762; ADNDRC/HK-1600849). The remaining second level domain of the disputed domain names are all composed of "hurom" and a short form of a country name ("us" for the United States) or a generic word ("tm" for trademark): i.e., <hurom+us>, <us+hurom>, <us+hurom> and <hurom+tm> respectively. It is a well-established law that an addition of a geographic or generic term to a trademark does not preclude a finding of confusing similarity between a domain name and the corresponding trademark (e.g., WIPO/D2000-0927; NAF/FA103181, among others). Thus, the Panel recognizes that the disputed domain names are confusingly similar to the Complainant's "HUROM" mark. The confusion has been substantiated by actual consumer complaints that the Complainant has received due to consumer dissatisfaction with the services offered at the websites created with the disputed domain names.

Accordingly, the Panel finds that the Complainant has succeeded in proving the elements in Paragraph 4(a)(i) of the Policy.

B) Rights and Legitimate Interests

The Panel accepts the following facts as undisputed. First, the Complainant searched trademark databases by the name of the Respondent, which rendered that the Respondent does not hold any registered trademarks related to "HUROM". Second, the Complainant has not authorized, licensed or otherwise permitted the Respondent to use the "HUROM" mark in any form. Third, there is no evidence that the disputed domain names are the name

of the Respondent or that the Respondent has been commonly known by the disputed domain names.

The Panel analyzes the possibility of the defense based on the rationale of a *bona fide* offering of goods or services. Paragraph 4(c)(i) of the UDRP illustrates as a circumstance demonstrating rights or legitimate interests to a domain name: “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”. The previous case laws (WIPO/D2001-0903, among others) have articulated a standard for determining the *bona fide* offering of goods or services:

(1) Respondent must actually be offering the goods or services at issue. (2) Respondent must use the site to sell only the trademarked goods; otherwise, it could be using the trademark to bait Internet users and then switch them to other goods. (3) The site must accurately disclose the registrant’s relationship with the trademark owner; it may not, for example, falsely suggest that it is the trademark owner, or that the website is the official site, if, in fact, it is only one of many sales agents. (4) The Respondent must not try to corner the market in all domain names, thus depriving the trademark owner of reflecting its own mark in a domain name.

The Panel finds that that the Respondent fails to meet the test because the Respondent does not accurately disclose its relationship with the Complainant (the third element).

Accordingly, the Panel finds that the Complainant has succeeded in proving the elements in Paragraph 4(a)(ii) of the Policy.

C) Bad Faith

According to the complaint and evidence, the Complainant created the world’s first slow vertical juicer based on the invention of its founder in 2005, and since 2006 the “HUROM” brand has incrementally achieved global recognition as represented by many awards that the Complainant has received.

The Panel also notes that the “HUROM” brand predated the registration of the disputed domain names over a decade. The Respondent knew or should have known the Complainant’s brand when registering the domain name. The contents of the website hosted at the disputed domain name overlap with the Complainant’s website. These circumstances suggest that the Respondent deliberately registered and used the disputed domain names in order to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement. According to Paragraph 4(b)(iv), these shall be evidence of the registration and use of a domain name in bad faith.

In addition, the Respondent’s bad faith is further evidenced by various fraudulent behaviors. The Respondent provided false contact addresses at the websites created with the disputed domain names, advertised as offering HUROM juicers at prices lower than one-tenth of the normal market price, and inevitably failed to deliver the ordered products to the consumers.

Accordingly, the Panel finds that the Complainant has succeeded in proving the elements in Paragraph 4(a)(iii) of the Policy.

Therefore, the Panel concludes that the Complainant has proved all three elements required under Paragraph 4(a) of the UDRP.

6. Decision

For the foregoing reasons, in accordance with Paragraph 4(i) of the UDRP and Paragraph 15 of the Rules, the Panel orders that the disputed domain names, <huromus.com>, <ushurom.com>, <ushurom.co> and <huromtm.com>, be transferred to the Complainant 2 (Hurom LS Co., Ltd.).



Chan-Mo Chung
Sole Panelist

Dated: June 7, 2023