



Asian Domain Name Dispute Resolution Centre

seoul

(Seoul Office)

ADMINISTRATIVE PANEL DECISION

Case No.: KR-2300247

Complainant: Samsung Electronics Co., Ltd.

Authorized Representatives for the Complainant: Sangjin Park and Dasol Seo, Patent Attorneys

Respondent: Cenk Erdogan

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

1. The Parties and the Disputed Domain Name

The Complainant is Samsung Electronics Co., Ltd., of Samsung-ro 129, Yeongtong-gu, Suwon-si, Gyeonggi-do, Republic of Korea.

The Respondent is Cenk Erdogan of Liman Mah, Bogacay Cad No. 1, Antalya, Republic of Türkiye.

The Disputed Domain Name is “samsungvxt.com,” which is currently registered with Dynadot Inc.

2. Procedural History

The Complaint was filed with the Seoul Office of the Asian Domain Name Dispute Resolution Centre (ADNDRC) (the “Centre”) on September 6, 2023, seeking a transfer of the Disputed Domain Name.

On September 14, 2023, the Centre sent an email to Dynadot Inc. asking for detailed information on the Registrant. On September 15, 2023, Dynadot Inc. sent an email to the Centre saying that the Respondent is listed as the Registrant and providing the contact details.

The Centre verified that the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy"), the Rules for the Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the Centre's Supplemental Rules for the 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 September 15, 2023, and the deadline for the Response was October 5, 2023. No Response was filed by the deadline.

On October 10, 2023, the Centre appointed Mr. Doug Jay Lee as the Sole Panelist in the administrative proceeding, and with his consent to the appointment, impartiality and independence declared and confirmed, the Centre, in accordance with Paragraph 7 of the Rules, organized the Panel for this case in a legitimate way.

We are writing to advise the parties of the Panel's decision.

3. Factual Background

The Samsung Group, to which the Complainant belongs, was established as Samsung Sanghoe in Daegu in 1938. Since then, it has grown into a global conglomerate, which comprises numerous affiliate businesses. These affiliates have stood out as some of the best in the relevant industries and are recognized as industry leaders. "Samsung," which is the company name and trademark of the Complainant's business group, has been widely used all over the world for a long period of time, and as such it is a globally well-known mark and the source indicator of the Complainant's business group.

The Disputed Domain Name was registered on July 26, 2022. The website of the Disputed Domain Name is not currently being used for business purposes by the Respondent and furthermore, the Disputed Domain Name is for sale at the price of US\$4,995.

4. Parties' Contentions

A. Complainant

The Complainant's contentions can be summarized as follows:

- i. The Disputed Domain Name is similar to the trademark owned by the Complainant, which could cause confusion,
- ii. The Respondent has no right to, or lawful interest in, the Disputed Domain Name, and
- iii. The Respondent registered and used the disputed domain name for illegal purposes.

B. Respondent

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

5. Findings

(i) The Complainant is the lawful rights holder of "Samsung," which is a globally well-known mark, and anyone could easily recognize that "samsungvxt," which is the Disputed Domain Name without the generic top-level domain ".com," is a combination of "Samsung," a world-famous mark and the source indicator of the Complainant, and "VXT," a part of the service "Samsung VXT CMS," which is a cloud-based solution for digital signage that the Complainant is offering for sale.

(ii) The Complainant has never authorized the Respondent to use the Complainant's mark. The Respondent lacks any rights to or legitimate interests in the Disputed Domain Name.

(iii) The website of the Disputed Domain Name is not currently being used for business purposes by the Respondent and furthermore, the Disputed Domain Name is for sale at the price of US\$4,995.

6. Discussion

Paragraph 4(a) of the ICANN Uniform Domain Name Dispute Resolution Policy stipulates that each of the following three findings must be made in order for a Complainant to prevail:

- i. The 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 to or legitimate interests in the domain name; and
- iii. The Respondent's domain name has been registered and is being used in bad faith.

In view of the Respondent's failure to submit a response, the Panel will decide this administrative proceeding on the basis of the Complainant's undisputed representations pursuant to Paragraphs 5(f), 14(a), and 15(a) of the Rules, and will draw the inferences it considers appropriate pursuant to Paragraph 14(b) of the Rules. The Panel is permitted to accept all reasonable allegations and inferences set forth in the Complaint as true unless the evidence is clearly contradictory. However, the Panel can deny relief if a Complaint contains mere conclusory or unsubstantiated arguments. See *Vertical Solutions Mgmt., Inc. v. Webnet-marketing, Inc.* (FA 95095; Forum July 31, 2000), which held that the Respondent's failure to respond allows all Page 6 reasonable inferences of fact in the allegations of the Complaint to be deemed true. See also *Talk City, Inc. v. Robertson* (D2000-0009; WIPO; Feb. 29, 2000), which found that "in the absence of a response, it is appropriate to accept as true all allegations of the Complaint."

A) Identical / Confusingly Similar

The Complainant contends that the Disputed Domain Name is confusingly similar to the Complainant's mark because it incorporates the mark and merely adds "VXT" and the generic top-level domain ".com." The Panel notes that that merely adding "VXT" to the Complainant's mark could still make the domain name confusingly similar. Anyone could easily recognize that "samsungvxt," which is the Disputed Domain Name without the generic top-level domain ".com," is a combination of "Samsung," a world-famous mark and the source indicator of the Complainant, and "VXT," a part of the service "Samsung VXT CMS," which is a cloud-based solution for digital signage that the Complainant is offering for sale. Therefore, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant's "Samsung" mark, pursuant to Policy Paragraph 4(a)(i).

B) Rights and Legitimate Interests

A Complainant must first make a prima facie case that a Respondent lacks rights to and legitimate interests in a Disputed Domain Name under Policy Paragraph 4(a)(ii), and then the burden shifts to the Respondent to demonstrate that it does have the requisite rights or legitimate interests.

In this case, the Complainant contends that the Respondent is an entity completely unrelated to the Complainant, and has registered and retained the Disputed Domain Name,

which incorporates the Complainant's mark, even though it has not been granted any authorization by the Complainant. As the Respondent has not filed a Response nor attempted by any other means to rebut the prima facie case against it, the Panel finds that the Respondent has no rights to nor legitimate interests in the Disputed Domain Name.

C) Bad Faith

The Complainant contends that its "Samsung" mark was globally well-known as the company name and trademark of the Complainant's business group long before the Respondent registered the Disputed Domain Name. The Disputed Domain Name was registered on July 26, 2022, which is very recent compared to the Complainant's first U.S. trademark registration on August 11, 1981, or its first South Korea trademark registration on May 12, 1970. The Disputed Domain Name is also identical to the Complainant's company name, which is widely known all over the world. Moreover, the website of the Disputed Domain Name is not currently being used for business purposes by the Respondent and furthermore, the Disputed Domain Name is for sale at the price of US\$4,995. Under the circumstances, it cannot be said that the Respondent did not know and accidentally registered the Disputed Domain Name. Therefore, it is obvious that the Respondent registered and retained the Disputed Domain Name for commercial gain by capitalizing on the reputation of the Complainant's marks. The Panel concludes, due to the fame of the Complainant's mark and the manner of use of the Disputed Domain Name, that the Respondent had knowledge of the Complainant's rights in the Complainant's marks at the time it registered the Disputed Domain Name, and finds that the Respondent registered the Disputed Domain Name in bad faith under Policy Paragraph 4(a)(iii).

6. Decision

Having established all three elements required under the ICANN Policy, the Panel concludes that relief shall be granted. Accordingly, it is ordered that the Disputed Domain Name be transferred from the Respondent to the Complainant.



Doug Jay Lee

Sole Panelist

Dated: October 24, 2023