



Asian Domain Name Dispute Resolution Centre

seoul

(Seoul Office)

ADMINISTRATIVE PANEL DECISION

Case No. KR-1800185

Complainants: Samsung Electronics Co., Ltd.(Authorized Representative Bae, Kim & Lee LLC IP Group)

Respondent: PERFECT PRIVACY, LLC

Disputed Domain Name(s): samsung-security.com

1. The Parties and Contested Domain Name

The Complainants are Samsung Electronics Co., Ltd. of 129, Samsung-ro, Yeongtonggu, Suwon-si, Gyeonggi-do, Republic of Korea.

The Respondent is PERFECT PRIVACY, LLC of Sepapaja tn 6, Lasnam e district, Tallinn, Estonia.

The domain name at issue is 'samsung-security.com', registered with Network Solutions, LLC.

2. Procedural History

The Complaint was filed with the Seoul Office of the Asian Domain Name Dispute Resolution Center (ADNDRC)[“Center”] on March 27, 2018, seeking for a transfer of the domain name in dispute.

On April 2, 2018, the Center sent an email to the Registrar asking for the detailed data of the registrant. On April 11, 2018, Network Solutions, LLC. 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 April 12, 2018 and the due date for the Response was May 2, 2018. No Response was filed by the due date.

On May 9, 2018, 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.

On May 17, 2018, the Center confirmed that the email sent to the Respondent has been returned due to a transmission error. On May 17, 2018, the Center notified again to the modified email address of the Respondent and the new due date for the Response was June 6, 2018. No Response was filed by the new due date.

Having reviewed the communications records, the Administrative Panel (the "Panel") finds that the Centre has discharged its responsibility under Paragraph 2(a) of the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules") "to employ reasonably available means calculated to achieve actual notice to Respondent" 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 ICANN Policy, ICANN 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

The Complainant Samsung Electronics Co., Ltd. (hereinafter, the “Complainant”) is the lawful rights holder of ‘SAMSUNG,’ (hereinafter, the “Disputed Mark”), which is a globally well-known mark. The disputed domain name, ‘samsung-security’, a combination of (i) ‘SAMSUNG,’ a world-famous mark of the Complainant, (ii) ‘-security,’ a hyphenated common English term, and (iii) the top level extension “.com”.

4. Parties’ Contentions

A. Complainant

The Complainant’s contentions may be summarized as follows:

- i. The Respondent registered the Disputed Domain Name that is similar to the Disputed Mark even though he/she is completely unrelated to the Complainant, and furthermore, the Respondent is simply interfering with the registration and use by the Complainant who has the lawful rights and title to the Disputed Domain Mark.
- ii. The Complainant requests the panel to make a decision and order that the Respondent should transfer the disputed domain name to himself.

B. Respondent

The Respondent did not submit a Response.

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.

A) Identical / Confusingly Similar

'SAMSUNG,' which is the company name/trademark of the Complainant's group, has been widely used all over the world for a long period of time as the mark to represent not only the Complainant's but also each affiliates' goods and services. Complainant, who has registered and retained the trademark rights to 'SAMSUNG' globally, including the US, is the lawful right holder to the mark, 'SAMSUNG' (Exhibit 3 - the trademark registered by SAMSUNG in the US and South Korea).

The affiliates using Samsung as their business names include, among others, Samsung Life Insurance, Samsung Fire & Marine Insurance, Samsung Card, Samsung Securities, Samsung Asset Management, Samsung Venture Investment Corp.

The Panel agrees that the disputed domain name is confusingly similar to the SAMSUNG mark pursuant to Policy ¶ 4(a)(i).

B) Rights and Legitimate Interests

There is no evidence that the Respondent has somehow related to the Complaint, or been granted any authorization by the Complainant to use the mark. In addition, the disputed website is deactivated. The Panel notes prior case-law that a passive holding can evince a lack of a legitimate, noncommercial or fair use. Consequently, the Panel agrees that the Respondent has no lawful rights or interests in the registration and possession of the Disputed Domain Name.

C) Bad Faith

While the relevant trade mark is a world-famous registered mark, the Respondent failed to show any evidence of rights and legitimate interests. It is thus assumed that the Disputed Domain Name was registered for the purpose of interfering with the

registration of the Disputed Domain Name by the right holder without having an intent to actually use it

The Panel infers from the above that Respondent registered disputed domain name with actual knowledge of Complainant and its rights, thus demonstrating bad faith under Policy ¶ 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 'samsung-security.com' domain name be TRANSFERRED from Respondent to Complainant.

Chan-Mo Chung
Sole Panelist

Dated: June 26, 2018