



Asian Domain Name Dispute Resolution Centre

(Seoul Office)

ADMINISTRATIVE PANEL DECISION

Case No. KR-2000225

Complainant1: Hanwha Corporation

Complainant2: Hanwha Total Petrochemical Co., Ltd.

(Authorized Representative for Complaint 1,2 : Hwan Sung PARK,
Eunwoo Lee, Hana CHOI, Hyoeun SHIN (Lee & Ko))

Respondent: PAUL DAMIEN GREGG

Disputed Domain Name(s): HANWHHA-TOTAL.COM

1. The Parties and Contested Domain Name

The Complainant1 is Hanwha Corporation, 86, Cheonggyecheon-ro, Jung-gu, Seoul, Korea.

The Complainant2 is Hanwha Total Petrochemical Co., Ltd., 103, Dokgot 2-ro, Daesan-eup, Seosan-si, Chungcheongnam-do, Korea.

The Respondent is PAUL DAMIEN GREGG, 9/F - Block B - Yee Lim Industrial Center, 2-28 Kwai Lok Street, Kwai Chung, N.T. Hong Kong.

The domain name at issue is 'HANWHHA-TOTAL.COM, registered by PDR Ltd (Public Domain Registry Ltd).

2. Procedural History

The Complaint was filed with the Seoul Office of the Asian Domain Name Dispute Resolution Center (ADNDRC)[“Center”] on February 4, 2021, seeking for a transfer of the domain name in dispute.

On February 4, 2021, the Center sent an email to the Registrar asking for the detailed data of the registrant. On February 26, 2021, PDR Ltd (Public Domain Registry Ltd) 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 4, 2021 and the due date for the Response was March 24, 2021. No Response was filed by the due date.

On March 29, 2021, the Center appointed Mr. Lee Dougjay 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

Complainant 1 (Hanwha Corporation) and Complainant 2 (Hanwha Total Petrochemical Co., Ltd.) are among 76 affiliates of Hanwha Group which has been a Fortune Global 500 company and the 7th largest business enterprise in Korea. Complainant 1 is the owner of the registered trademark “HANWHA” and its Korean version (“한화”). It holds over 326 registered trademarks in the US and Korea for

“HANWHA” and its Korean version. Complainant 2 is engaged in the petrochemical business, and the owner of a number of domain names containing “hanwhatotal” including <hanwhatotal.com>.

Respondent is the registrant of the Disputed Domain Name which was registered

4. Parties’ Contentions

A. Complainant

The Complainant’s contentions may be summarized as follows:

Complainants contend that the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights. Complainants support this contention arguing that Complainant 2 operates a successful global business under the company name “Hanwha Total,” Complainant 2 registered and has been using the domain name <hanwha-total.com> since January 7, 2015, the Disputed Domain Name <hanvvh-total.com> is identical to Complainant 2’s domain name <hanwhatotal.com> except for one alphabet letter, and that “hanwha” is a registered trademark in Korea and in the U.S. that has been widely used for almost 30 years since its registration by Complainant 1 in 1993.

Complainants contend that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name arguing. Complainant argue that Respondent is not related or affiliated to Complainants 1 or 2 in any way, and Complainants have neither authorized nor granted license to Respondent to use the “hanwha” or “hanwha-total” mark, that “hanwha” is a term coined and invented by Complainant 1 and has no other meaning except to identify Complainants and their group companies, and that the use of a domain name to “phish for” or to deceptively gather consumer information is not a legitimate or noncommercial fair use.

Complainants contend that the Disputed Domain Name has been registered and is being used in bad faith. Complainants support their contention by arguing that

Respondent intentionally used the Disputed Domain Name similar to trademarks coined and created by Complainant, that Respondent knew about the Complainants' marks because "hanwha" and "hanwha-total" have been used by Complainants for over 70 years and are renowned in Korea and throughout the world, that Respondent used and is using Infringing Website 1 as a phishing site, that Respondent used and is using Infringing Website 1 as a phishing site, that Respondent uses the Disputed Domain Name to operate a website that diverts users to third party websites that compete with Complainants' major businesses, and operates the website in Korean to take advantage of fact that the "hanwha" and "hanwha-total" marks are especially famous among Koreans, and that Respondent intentionally concealed its identity and information.

Complainants conclude that all of the three elements have been proven in this case, and seek a transfer of the Disputed Domain Name to Complainant 1 in accordance with paragraph 4(i) of the Policy. Complainants further request that Respondent's identity and information are disclosed in the Panels' opinion.

B. Respondent

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

5. Findings

In order for Complainants to get a decision that the disputed domain name be transferred to it, it carries the burden of proving that each of the following three elements is present under paragraph 4(a) of the Policy.

- i. The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- ii. The Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- iii. The disputed domain name has been registered and is being used in bad faith by the Respondent.

A) Identical or Confusingly Similar

Complainant 1 is the proprietor of the registered “HANWHA” trademark and its Korean version in the US and Korea, among other countries. Previous panels have held that the Policy does not require that the mark be registered in the country in which the Respondent operates. It is sufficient that a complainant can demonstrate registered trademark rights in some jurisdiction. *Koninklijke KPN N.V. v. Telepathy Inc.*, WIPO Case No. D2001 0217. “HANWHA” has been used as the name of Hanwha Group to which Complainants belong, and Hanwha Group is composed of companies many of which engages in business worldwide. The Panel notes that “HANWHA” is a registered trademark of Complaint 1 and it is used in the company name of Complaint 2 in part. Furthermore, Complainant 2, ‘Hanwha Total Petrochemical Co., Ltd.’, is a world class company in the petrochemical business, and owns a number of domain names containing “hanwhatotal” such as <hanwha-total.com> <hanwha-total.co.kr> or <hanwhatotal.com>.

The Disputed Domain Name, <hanwhha-total.com>, is somewhat different from the name of hanwha group and a registered trademark, “HANWHA” to which Complainants belong and the registered domain name of Complainant 2. Given the name “HANWHA” is a coined term, however, the Disputed Domain Name is an intentional misspelling of the name and registered mark “HANWHA.” A domain name which consists of an intentional misspelling of a trademark is considered to be confusingly similar to the relevant mark for purposes of the first element.

For the foregoing reasons, the Panel finds that the Disputed Domain Name is identical, or confusingly similar, to the registered mark and name of the Hanwha Group to which both Complaint 1 and 2 belong and Complainants have rights. And, thus, it concludes that paragraph 4(a)(i) of the Policy has been satisfied.

B) Rights and Legitimate Interests

Pursuant to paragraph 4(a)(ii) of the Policy, Complainant needs to prove that the Respondent has no rights or legitimate interests in respect of the Disputed Domain

Name. Since the overall burden of proof rests with Complainant, Complainant is required to make out a prima facie case that Respondent lacks rights or legitimate interests. Once such prima facie case is made, Respondent carries the burden of producing evidence establishing that it has rights or legitimate interests in respect of the disputed domain name. If Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

Since the Disputed Domain Name is identical, or confusingly similar, to the registered trademark of Complainant 1, Complainants have not authorized Respondent to use their mark, and the registered trademark is well-known around the world, the Panel finds the Complainants have made out an initial prima facie case that Respondent lacks rights or legitimate interests in respect of the Disputed Domain Name.

Because such a prima facie case is made, the burden of production shifts to Respondent to come forward with appropriate allegations or evidence demonstrating rights or legitimate interests in respect of the disputed domain name. However, Respondent did not reply to the Complaint. In these circumstances, it is clear to the Panel that Respondent has not rebutted the prima facie case. The Panel finds that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name, and it accordingly concludes that paragraph 4(a)(ii) of the Policy has been satisfied.

C) Bad Faith

Given that the well-known trademark, “HANWHA,” is a term coined by Complainants and is not found in the dictionary, and that it has been used by Complainants for a long time, Respondent knew the existence of the trademark “HANWHA.” Furthermore, Respondent intentionally misspelled the Disputed Domain Name by adding “h” (hanwhha) in stead of “hanwha”. The Panel thus finds that the Disputed Domain Name has been registered 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: (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 the 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.

The Panel notes that the website accessed through the Disputed Domain Name indicates 'This is a phishing site that phishes for users' personal and financial information,' or that it shows third party websites that compete with Complainants' major businesses. Considering the well-known trademark "HANWHA," Respondent could not have had a purpose in using the Disputed Domain Name other than in some way either to disrupt the business of Complainants, or to attempt to direct, for commercial gain, internet users to the website accessed through the Disputed Domain Name by creating a false impression of an association with Complainants. The Panel finds that the Disputed Domain Name has been used in bad faith.

The Panel therefore holds that Complainants have established paragraph 4(a)(iii) of the Policy.

6. Decision

For the foregoing reasons, in accordance with 4(i) of the Policy and 15 of the Rules, the Panel orders that the Disputed Domain Name <hanwhha-total.com> be transferred to the Complainant 1.



Lee Dougjay
Sole Panelist

Dated: April 12, 2021