



Asian Domain Name Dispute Resolution Centre

seoul

(Seoul Office)

ADMINISTRATIVE PANEL DECISION

Case No. KR-2200235

Complainant: CJ Corporation

(Authorized Representative for Complaint : Y.P. Lee, Mock & Partners)

Respondent: Ding Ding Huang

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

1. The Parties and Contested Domain Name

The Complainant is CJ Corporation, Republic of Korea.

The Respondent is Ding Ding Huang, China.

The domain name at issue is <cjcjapp.com>, registered with GoDaddy.com, LLC.

2. Procedural History

The Complaint was filed with the Seoul Office of the Asian Domain Name Dispute Resolution Center (ADNDRC)[“Center”] on March 22, 2022, seeking for a transfer of the domain name in dispute.

On March 24, 2022, the Center sent an email to the Registrar asking for the detailed data of the registrant. On March 25, 2022, GoDaddy.com, 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 March 29, 2022 and the due date for the Response was April 18, 2022. No Response was filed by the due date.



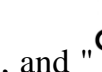
On April 26, 2022, the Center appointed Mr. Ho-Hyun Nahm as the Sole Panelist in the administrative proceeding and with the consent for the appointment, impartiality and independence declared and confirmed by the Panelist, the Center, in accordance with paragraph 7 of the Rules, organized the Panel of this case in a legitimate way.

Having reviewed the communications records, the Administrative Panel (the "Panel") finds that the Centre 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 the Rules. Therefore, the Panel may issue its decision based on the documents submitted and in accordance with the Policy, the Rules, the Centre's Supplemental Rules and any rules and principles of law that the Panel deems applicable.

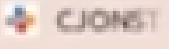

3. Factual background

A. Complainant



The Complainant is a holding company of CJ group that was founded in 1994 on the basis of Cheil Jedang Industrial Co., Ltd. established in 1953, and is one of the representative corporation groups of the Republic of Korea. The total amount of assets of the Complainant in 2020 was 40 trillion Korean won, and the sales of the Complainant in 2020 was 32 trillion Korean won. The Complainant has used "CJ" as its trade name and trademark. The Complainant owns hundreds of registrations for the trademarks "CJ",

"", "", and "" for various goods and services around the world including the Republic of Korea, China, Europe, the US, etc.


B. Respondent



The disputed domain name has not resolved to active website. The YouTube video dated December 28, 2021 publicizes that the name of the website of the disputed domain name is "" and that 'cjcjapp' is a reward program, which is a win-win program of a subsidiary of CJ ONSTYLE. It displays ",


4. Parties' Contentions

- i) The Complainant has registered the trademarks "CJ", "", "", and the like around the world including Korea, China, and the US. The CJ marks of the Complainant have gained worldwide reputation. The disputed domain name is very similar to the registered trademarks and trade name of the Complainant.
- ii) The Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has no relationship with the Complainant. The Complainant has never given any consent or permission to the Respondent in respect of the disputed domain name.
- iii) The Respondent has registered and used the disputed domain name in bad faith to intentionally lure Internet users to the Respondent's website to cause confusion between the disputed domain name and the Complainant's mark, mainly for the purpose of obstructing the Complainant's business or the purpose of earning commercial profits.

5. Findings

- i) The disputed domain name was registered on July 24, 2021.
- ii) The Complainant has established rights in the mark  through its registration with the Korean Intellectual Property Office (Reg. No. 41-94358, registered on December

10, 2003); the mark  (Reg. No. 41-94352, registered on December 10, 2003); and the mark  (Reg. No. 45-43734, registered on February 22, 2013), among others.

iii) The disputed domain name resolves to a website with no content. The YouTube video dated December 28, 2021 publicizes that the name of the website of the disputed domain name is “” and that ‘cjcjapp’ is a reward program, which is a win-win program of a subsidiary of CJ ONSTYLE.

6. Discussions

Paragraph 15(a) of the Rules instructs this Panel to “decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.”


Paragraph 4(a) of the Policy requires that Complainant must prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:


- (1) the domain name registered by Respondent is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (2) Respondent has no rights or legitimate interests in respect of the domain name; and
- (3) the 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 shall decide this administrative proceeding on the basis of the Complainants' undisputed representations pursuant to paragraphs 5(f), 14(a) and 15(a) of the Rules and draw such inferences it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable allegations set forth in a complaint; however, the Panel may deny relief where a complaint contains mere conclusory or unsubstantiated arguments. *See* WIPO Jurisprudential Overview 3.0 at section 4.3; *see also eGalaxy Multimedia Inc. v.*

ON HOLD By Owner Ready To Expire, FA 157287 (Forum June 26, 2003) (“Because Complainant did not produce clear evidence to support its subjective allegations [. . .] the Panel finds it appropriate to dismiss the Complaint”).

A) Identical / Confusingly Similar

The Complainant contends that it has rights, among others, in the mark  (Reg. No.

41-94358, registered on December 10, 2003); the mark  (Reg. No. 41-94352,

registered on December 10, 2003); and the mark  (Reg. No. 45-43734, registered on February 22, 2013) respectively through its registration with the Korean Intellectual Property Office. Registration of a mark with the national trademark authorities is a valid showing of rights in a mark. *See DIRECTV, LLC v. The Pearline Group*, FA 1818749 (Forum Dec. 30, 2018) (“Complainant’s ownership of a USPTO registration for DIRECTV demonstrate its rights in such mark for the purposes of Policy paragraph 4(a)(i).”). Since the Complainant has provided the Panel with evidence of the trademark registrations, the Panel finds that the Complainant has established rights in the relevant marks under Policy paragraph 4(a)(i).


The Complainant contends that the disputed domain name is confusingly similar to the Complainant's marks because "app" in the disputed domain name <**cjapp.com**> is a descriptive term that is frequently used as an abbreviation of ‘application.’ The Panel observes that the addition to a complainant’s mark of such as a generic and/or descriptive term, a gTLD may not negate any confusing similarity between a disputed domain name and a mark under Policy paragraph 4(a)(i). *See Microsoft Corporation v. Thong Tran Thanh*, FA 1653187 (Forum Jan. 21, 2016) (determining that confusing similarity exists where [a disputed domain name] contains Complainant’s entire mark and differs only by the addition of a generic or descriptive phrase and top-level domain, the differences between the domain name and its contained trademark are insufficient to differentiate one from the other for the purposes of the Policy). Therefore, the Panel finds that the disputed

domain name is confusingly similar to the Complainant's marks per Policy paragraph 4(a)(i).

B) Rights and Legitimate Interests

Complainant must first make a *prima facie* case that Respondent lacks rights and legitimate interests in the disputed domain name under paragraph 4(a)(ii) of the Policy, and then the burden shifts to Respondent to show it does have rights or legitimate interests. *See Hanna-Barbera Prods., Inc. v. Entm't Commentaries*, FA741828 (Forum Aug. 18, 2006) (holding that the complainant must first make a *prima facie* case that the respondent lacks rights and legitimate interests in the disputed domain name under paragraph 4(a)(ii) of the Policy before the burden shifts to the respondent to show that it does have rights or legitimate interests in a domain name); *see also AOL LLC v. Gerberg*, FA780200 (Forum Sept. 25, 2006) (“Complainant must first make a *prima facie* showing that Respondent does not have rights or legitimate interest in the subject domain names, which burden is light. If Complainant satisfies its burden, then the burden shifts to Respondent to show that it does have rights or legitimate interests in the subject domain names.”).

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has no relationship with the Complainant, and the Complainant never gave any agreement or permission to the Respondent to register and use the disputed domain name.

The Panel notes that the Respondent passes itself off as the Complainant or its subsidiary by publicizing by way of the YouTube video dated December 28, 2021 that the name of the website of the disputed domain name is “ CJONST” and that ‘cjcjapp’ is a reward program, which is a win-win program of a subsidiary of CJ ONSTYLE. It displays “**CJONSTYLE**,” and posts the company information of the Complainant. Use of a disputed domain name to pass off as a complainant is not a *bona fide* offering of goods or services or legitimate noncommercial or fair use per Policy paragraph 4(c)(i) or (iii). *See*



Ripple Labs Inc. v. NGYEN NGOC PHUONG THAO, FA 1741737 (Forum Aug. 21, 2017) (“Respondent uses the [disputed] domain name to divert Internet users to Respondent’s website... confusing them into believing that some sort of affiliation exists between it and Complainant... [which] is neither a bona fide offering of goods or services under Policy paragraph 4(c)(i) nor a legitimate noncommercial or fair use under Policy paragraph 4(c)(iii).”), see also *Russell & Bromley Limited v. Li Wei Wei*, FA 1752021 (Forum Nov. 17, 2017) (“The respondent’s use of the disputed domain name to pass itself off as the complainant to advertise and sell unauthorized products of the complainant is not a *bona fide* offering of goods or services pursuant to Policy paragraph 4(c)(i), or a legitimate noncommercial or fair use of the disputed domain name pursuant to Policy paragraph 4(c)(iii).”).

The Panel finds that the Complainant has made out a *prima facie* case that arises from the considerations above. All of these matters go to make out the *prima facie* case against the Respondent. As the Respondent has not filed a Response or attempted by any other means to rebut the *prima facie* case against it, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

C) Bad Faith

The Complainant contends that the Respondent is misappropriating the goodwill of the Complainant’s marks and its subsidiary’s marks in bad faith. Such goodwill and reputation across consumers around the world is forcefully evidenced by the fact that the Complainant was evaluated to have the highest brand value of 6 trillion and 635 billion Korean won from among holding companies listed on the Korean stock market in 2015; the Complainant ranked the 367th among "Global 500 2022" selected by the "Brand Finance" in 2021, and the 460th in 2022; and the mark “CJ” is widely known to general consumers as a trademark of a specific person, and thus has distinctiveness according to the Examination Guidelines of the Korean Intellectual Property Office.

The Panel recalls that the Respondent passes itself off as the Complainant or its subsidiary publicizing by way of the YouTube video dated December 28, 2021 that the

name of the website of the disputed domain name is “” and that ‘cjcjapp’ is a reward program, which is a win-win program of a subsidiary of CJ ONSTYLE. It displays “**CJONSTYLE**,” and posts the company information of the Complainant. What is displayed in the YouTube video is identical to the Complainant’s or its subsidiary’s marks (“**CJ**”, “”, “ONSTYLE”) where the font, ratios and expression mode are completely identical to those of “**CJONSTYLE**”, which is a shopping mall brand of the Complainant’s subsidiary company CJ ENM CO., Ltd. The Complainant submits that since the deposit and reward cannot be actually withdrawn, the webpage leads to damage by fraud. The Complainant has provided the Panel with reports about the actual damage occurred by fraud.

Use of a disputed domain name to pass off as a complainant and offer competing or counterfeit versions of its products may be evidence of bad faith per Policy paragraph 4(b)(iii) and (iv). *See Ripple Labs Inc. v. Jessie McKoy / Ripple Reserve Fund*, FA 1790949 (Forum July 9, 2018) (finding bad faith per Policy paragraphs 4(b)(iii) and (iv) where the respondent used the disputed domain name to resolve to a website upon which the respondent passes off as the complainant and offers online cryptocurrency services in direct competition with the complainant’s business), *see also Guess? IP Holder L.P. and Guess?, Inc. v. LI FANGLIN*, FA 1610067 (Forum Apr. 25, 2015) (finding respondent registered and used the domain name in bad faith per Policy paragraph 4(b)(iii) because the respondent used the resolving website to sell the complainant’s products, using images copied directly from the complainant’s website), *see also Bittrex, Inc. v. Wuxi Yilian LLC*, FA 1760517 (Forum Dec. 27, 2017) (finding bad faith per Policy paragraph 4(b)(iv) where “Respondent registered and uses the <bittrex.com> domain name in bad faith by directing Internet users to a website that mimics Complainant’s own website in order to confuse users into believing that Respondent is Complainant, or is otherwise affiliated or associated with Complainant.”). Therefore, the Panel finds that the Respondent registered and used the disputed domain name in bad faith per Policy paragraph 4(b)(iii) or (iv).

7. 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 domain name <cjcjapp.com> be **TRANSFERRED** from the Respondent to the Complainant.



Ho-Hyun Nahm

Sole Panelist

Dated: April 29, 2022