



Asian Domain Name Dispute Resolution Centre

seoul

(Seoul Office)

## ADMINISTRATIVE PANEL DECISION

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**Case No. :** KR-2300245

**Complainant:** CELLTRION, Inc.

(Authorized Representative for Complaint : Jeongsik Kim and Sungdong Jo)

**Respondent:** Global Pharma Market LLC / Edgar

**Disputed Domain Name(s):** < remsimasc.com >

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### 1. The Parties and Contested Domain Name

The Complainant is CELLTRION, INC., Incheon, Republic of Korea.

The Respondent is Edga, Global Pharma Market LLC, Californina, United States.

The domain name at issue is <remsimasc.com>, registered with Google LLC.

### 2. Procedural History

The Complaint was filed with the Seoul Office of the Asian Domain Name Dispute Resolution Center (ADNDRC)[“Center”] on August 10, 2023, seeking for a transfer of the domain name in dispute.

On August 21, 2023, the Center sent an email to the Registrar asking for the detailed data of the registrant. On August 22, 2023, Google 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 August 23, 2023 and the due date for the Response was September 12, 2023. On September 11, 2023, the Respondent submitted a timely Response.

On September 14, 2023, the Center appointed Mr. Ho Hyune Nahm, as 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**

The Complainant is a biopharmaceutical company headquartered in the Republic of Korea. Remsima is the world's first autoimmune disease therapeutic antibody biosimilar developed by the Complainant.

The disputed domain name was registered on January 28, 2023.

### **4. Parties' Contentions**

#### **A. Complainant**

i) The Complainant has rights in "Remsima SC" and "REMSIMA" marks based on registrations of the marks with the Korean Intellectual Property Office (Reg. No. 1693294, registered on February 16, 2021 and Reg.No.1693291, registered on

February 16, 2021 respectively). The disputed domain name is confusingly similar to the Complainant's marks.

ii) The Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent is not commonly known by the disputed domain name, nor has the Respondent been authorized by the Complainant to use the Complainant's marks.

iii) The Respondent registered and uses the disputed domain name in bad faith. The Respondent had knowledge of the Complainant's rights in the Complainant's mark prior to registering the disputed domain name. The Respondent registered and uses the disputed domain name for an unjustifiable cause by causing a confusion in the relationship with the Complainant.

#### B. Respondent

i) The Respondent registered the disputed domain name for non-commercial purposes to share publicly available information of the clinical results and any upcoming studies for biosimilar products related to the active pharmaceutical drug (infliximab) and related information with no purpose of any financial gain.

ii) The Respondent consents to the remedy requested by the Complainant and agrees to transfer the disputed domain name to the Complainant.

### 5. Discussion and Findings

The Respondent consents to the transfer of the disputed domain name to the Complainant. The Panel notes that even without a formal settlement between the parties, a consent for the transfer of a disputed domain name by the Respondent can provide sufficient basis for an order for transfer without the need for substantial consideration of the UDRP grounds and the further merits of the case. In view of WIPO Overview 3.0, section 4.10, a panel may "order the requested remedy solely on the basis of such consent." *See also The Cartoon Network LP, LLLP v. Mike Morgan*, WIPO Case No. D2005-1132. The Panel agrees with this approach.

**6. Decision**

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders, without making any findings adverse to the Respondent, that the disputed domain name <**remsimasc.com**> be transferred to the Complainant.



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Ho Hyun Nahm

Sole Panelist

Dated: September 22, 2023