



Asian Domain Name Dispute Resolution Centre

seoul

(Seoul Office)

## ADMINISTRATIVE PANEL DECISION

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**Case No. :** KR-2400252

**Complainant:** Seegene Inc.

(Authorized Representative for Complaint: Yong Woo SHIN, attorney at law)

**Respondent:** Shu Qing Li

**Disputed Domain Name(s):** [ seegenewoman.com ]

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### 1. The Parties and Contested Domain Name

The Complainant is Seegene Inc., of KT BLDG. Jamsil-ro 209, Songpa-gu, Seoul, 05552, Republic of Korea.

The Respondent is Shu Qing Li, of CN HE tangshan Street, People's Republic of China.

The domain name at issue is 'seegenewoman.com', registered with Gname.com, Pte. Ltd.

### 2. Procedural History

The Complaint was filed with the Seoul Office of the Asian Domain Name Dispute Resolution Center (ADNDRC)[“Center”] on January 19, 2024, seeking for a transfer of the domain name in dispute.

On January 23, 2024, the Center sent an email to the Registrar asking for the detailed data of the registrant. On January 25, 2024, Gname.com transmitted by email to the Center replied 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 January 29, 2023 and the due date for the Response was February 18, 2024. But, no response was received from the Respondent by the due date.

On February 19, 2024, the Center appointed Mr. Chanmo Chung 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 Korean company with global sales activities, including Italy, Middle East, the United States, Canada, Germany, Brazil and others. The Complainant has developed a good reputation in the area of molecular diagnostics. The Respondent is probably a Chinese businessman.

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

## A. Complainant

The Complainant's contentions may be summarized as follows:

- i. The Respondent operates a website with a domain name that is identical or similar to the Complainant's trademark and posts obscene videos and photos, causing great damage to the Complainant's corporate image.
- ii. The Complainant requests that the Disputed Domain Name be transferred to the Complainant.

## B. Respondent

The Respondent did not submit any response.

According to Paragraph 5(f) of the UDRP Rules, if a Respondent does not submit a response, the Panel shall decide the dispute based upon the Complaint and evidence adduced by the Complainant.

## 5. Findings

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

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

The Panel recognizes that the Complainant has rights over the trademark or service mark of “seegene”. The Complainant registered many trademarks for “seegene” in multiple countries, which predated the registration of the Disputed Domain Name.

The Disputed Domain Name is composed of “seegene”, “woman” and “.com”. In domain name dispute resolution, “.com” is disregarded in the analysis of similarity, as it is a non-distinctive identifier of generic top-level domain name (See Tencent v. Livon Biswas & Shubhankar Ghosh, ADNDRC/HK-2001374; WIPO Overview 3.0, section 1.11.1).

Adding a generic word “woman” neither makes difference in the similarity test, especially when the whole part of the trademark is included in the Disputed Domain Name as in this case (Television Broadcasts Limited v. Chen Hua Zhong, ADNDRC/HK- 0600078)

Therefore, the Panel accepts that the Disputed Domain Name is confusingly similar to the Complainant’s trademark.

Accordingly, the Panel finds that the Complainant has succeeded in proving the element in Paragraph 4(a)(i) of the Policy.

## **B) Rights and Legitimate Interests**

The Panel first notes the Complainant’s statement that it has never authorized the Respondent to use its trademark nor the Disputed Domain Name. The Panel also notes that the Domain Name seems to have no relation to the name of the Respondent.

The Panel finally recognizes that the Respondent is presumably using the Disputed Domain Name in hosting a pornographic site, which removes the possibility of any non-commercial and fair use.

Complainant has thus made a prima facie case that Respondent does not have any rights or legitimate interests in the disputed domain name. Respondent on the other

hand did not respond to the Complaint and had not put forth any contention that it has rights or legitimate interests.

Accordingly, the Panel finds that the Complainant has succeeded in proving the elements in Paragraph 4(a)(ii) of the Policy.

### **C) Bad Faith**

The Complainant had actually used the Disputed Domain Name from 2014 to 2022. It, however, missed the renewal of the Disputed Domain Name. The Respondent took the chance, registered and used the Domain Name as described above, i.e. posting obscene videos and photographs.

It may be inferred that the Respondent had motive either to resell the Disputed Domain Name to the Complainant or at least to take advantage of the Complainant's reputation.

Accordingly, the Panel finds that the Complainant has succeeded in proving the elements in Paragraph 4(a)(iii) of the Policy.

Therefore, the Panel finds that the Complainant has proved all three elements required under Paragraph 4(a) of the UDRP.

## **6. Decision**

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



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Chanmo Chung

Sole Panelist

Dated: March 4, 2024