



Asian Domain Name Dispute Resolution Centre

seoul

(Seoul Office)

ADMINISTRATIVE PANEL DECISION

Case No.: KR-2400265

Complainant: CJ ENM Co., Ltd.

(Authorized Representative for Complaint: Suan Bae, Patent Attorney)

Respondent: Xingchi Zhou

Disputed Domain Name: [tvn.cc]

1. The Parties and Contested Domain Name

The **Complainant** is CJ ENM Co., Ltd. of 870-13 Gwacheon-daero, Seocho-gu, Seoul, Republic of Korea.

The **Respondent** is Xingchi Zhou of Chinaguangzhou, Guangzhou, Guangdong, 510000 China.

The **Disputed Domain Name** is < tvn.cc >, which is registered with Name.com, Inc..

2. Procedural History

The Complaint, filed with the Seoul Office of the Asian Domain Name Dispute Resolution Centre (ADNDRC; the “Centre”) on September 2, 2024, seeks a cancellation of the disputed domain Name.

The Centre verified that the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy”), the Rules for the Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the Centre’s

Supplemental Rules for the Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

On September 10, 2024, the Centre sent an email to the Registrar asking for detailed data on the registrant. On September 3, 2024, the registrar, Name.com, Inc., sent the Centre its response, noting that the language of the registration agreement is English, verifying the Respondent is listed as the registrant, and providing the contact details.

In accordance with the Rules, the Centre formally notified the Respondent of the Complaint. The proceedings commenced on September 13, 2024, and the deadline for the Response was set for October 3, 2024. The Centre received no response from the Respondent.

On October 4, 2024, the Centre appointed Mr. Chinsu Lee as Sole Panelist in the administrative proceeding, and after Mr. Chinsu Lee consented to the appointment and declared his impartiality and independence, the Centre, in accordance with Paragraph 7 of the Rules, organized the Panel for this case in a legitimate way.

On October 7, 2024, the Complainant submitted an amendment to its complaint, seeking the transfer of disputed domain name instead of cancellation as the remedy. Although the Policy provides the Panel with the authority to deny any amendment and decide based on the original complaint and evidences, the Panel has accepted the amended complaint in accordance with its discretion under the Policy. This decision was not influenced by the unchanged nature of the disputed domain name, along with the claims and evidences, which remained consistent between the original and amended complaint. The sole modification was the shift in the requested remedy from cancellation to transfer.

On October 8, 2024, the Center transmitted the Complainant’s amended complaint to the Respondent, with a request for a response by October 12, 2024, to ensure

procedural fairness. Despite this deadline, the Respondent failed to submit any response.

3. Factual background

The Complainant, CJ ENM Co., Ltd., is a South Korean entertainment and mass media company providing services in media content, film, music, conventions, performing arts, animation, and media solutions. The Complainant launched TVN, a television channel offering a variety of entertainment content, in 2006, and the OTT streaming platform TVING in 2010. ‘TVN’ is known worldwide brand for its Korean dramas, which are primarily streamed on TVING. The TVN trademark and related internet domain names have been registered and used since 2006 in connection with the production and distribution of TV channels, dramas, TV programs, shows, and OTT services.

The disputed domain name was registered in 2013 and was last updated on October 19, 2023, several years after the registration of the Complainant’s trademarks. The disputed domain Name currently offers and provides a streaming service for Korean dramas. The registrant of this Disputed Domain Name, identified as the Respondent, was confirmed through information provided by the registrar of the disputed domain name.

4. Parties’ Contentions

A. Complainant

The Complainant’s contentions may be summarized as follows:

- i) The Complainant asserts ownership of the registered trademark ‘TVN’, established prior to the Respondent’s registration of the disputed domain name. When excluding the country code Top-Level Domain (ccTLD) ‘.cc’, the term ‘TVN’ matches exactly with the Complainant’s trademark. ‘TVN’ is also the primary element in various internet domain names held by the Complainant, such as <tvnsports.net>, <tvnshow.net>, <tvnshow.com>,

<tvndrama.kr>, <tvntv.co.kr>, and <tvnch.net>. The accompanying terms like ‘drama’, ‘show’, ‘story’, ‘sports’, ‘ch’ (an abbreviation for ‘channel’) in these domain names are generic and not distinctive. Furthermore, ‘TVN’ is noted in the Oxford Dictionary (refer to Annex 3) as having no specific meaning. Given these factors, there is a substantial likelihood of confusion among consumers regarding the association or endorsement of the website by the Complainant, leading to the conclusion that the disputed domain name is confusingly similar to the Complainant’s trademark.

- ii) The Complainant asserts that there is no existing relationship between the Complainant and the Respondent that would grant the Respondent any license, permission, or right to own or use any domain name containing the Complainant’s ‘TVN’ trademark. The Respondent has never been authorized by the Complainant to use the ‘TVN’ trademark for any purpose. Further, there is no evidence to suggest that the Respondent is commonly known by the name ‘TVN’. A cursory Google search indicates that ‘TVN’ is predominantly associated with the Complainant (refer to Annex 4, Google search results for ‘TVN’). Accordingly, the Respondent has no rights or legitimate interests in the disputed domain Name.

- iii) The Complainant asserts that it holds the rights to the registered trademark ‘TVN’, which has been actively used since 2006 in connection with television channels, drama production, distribution, and OTT services. This trademark is internationally recognized, as evidenced by a 2022 Thai court decision affirming its wide recognition in Thailand. The disputed domain Name was registered by the Respondent in 2013 and updated in 2023, long after the Complainant’s trademark registration, and is used to offer a Korean drama streaming service. This suggests that the Respondent is aware of the reputation and value of the TVN trademark.

The Complainant further alleges that the Respondent’s registration and use of the disputed domain Name is in bad faith. This is supported by the fact that the

disputed domain name contains the dominant portion of the address of the official websites such as <tvnsports.net>, <tvnshow.net>, and others, which incorporate the Complainant's TVN trademark, indicating an attempt to attract Internet users by creating confusion with the Complainant's official website, thereby obstructing the Complainant's business or seeking commercial profits.

In addition, the Respondent's website using the disputed domain name displays the Complainant's trademarks and promotes content under the TVN trademark, including Korean, Japanese, and Thai dramas, which misleadingly suggests an association or endorsement by the Complainant. This deceptive representation is intended to confuse users and capitalize on the Complainant's established reputation.

These actions, including the intentional use of the Complainant's promotional materials and the prominent display of the disputed domain name alongside the Complainant's official posters on the Respondent's website, indicate a clear recognition and infringement of the Complainant's TVN trademark by the Respondent. Therefore, it is apparent that the disputed domain Name has been registered and is being used in bad faith, intending to benefit unlawfully from the Complainant's trademark.

B. Respondent

The Respondent for the disputed domain name has not submitted any response to the Complainant's allegations in this case.

5. Findings

The Policy is designed to resolving disputes involving allegations of abusive domain name registration and use. *Milwaukee Electric Tool Corporation v. Bay Verte Machinery, Inc. d/b/a The Power Tool Store*, [WIPO Case No. D2002-0774](#). Accordingly, the jurisdiction of this panel is limited to providing a remedy in cases of "the abusive registration of domain names", also known as "cybersquatting". See *Weber-Stephen Products Co. v. Armitage Hardware*, [WIPO Case No. D2000-0187](#);

Lindeva Living Trust, Kim W. Lu Trustee v. Domain Privacy Service FBO Registrant / 510 Pacific Ave, Pacific Venice, [WIPO Case No. D2015-1105](#); See Final Report of the WIPO Internet Domain Name Process, April 30, 1999, Paragraphs 169 and 170.

Paragraph 15(a) of the Rules provides that the Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any other rules or principles of law that the panel determines to be applicable.

Paragraph 4(a) of the Policy requires that the complainant prove each of the following three elements to obtain a decision that a domain name should be either cancelled or transferred:

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.

Cancellation or transfer of the domain name are the sole remedies provided to the complainant under the Policy, as set forth in Paragraph 4(i).

Paragraph 4(b) of the Policy sets forth four situations under which the registration and use of a domain name is deemed to be in bad faith, but does not limit a finding of bad faith to only these situations.

Paragraph 4(c) of the Policy in turn identifies three means through which a respondent may establish rights or legitimate interests in a domain name. Although the complainant bears the ultimate burden of establishing all three elements of Paragraph 4(a) of the Policy, UDRP panels have recognized that this could result in the often-impossible task of proving a negative, requiring information that is

primarily if not exclusively within the knowledge of the respondent. Thus, the consensus view is that Paragraph 4(c) of the Policy shifts the burden of production to the respondent to come forward with evidence of a right or legitimate interest in the domain name, once the complainant has made *prima facie* showing. See, e.g., *Document Technologies, Inc. v. International Electronic Communications Inc.*, [WIPO Case No. D2000-0270](#).

A) Identical / Confusingly Similar

The definition of “trademark or service mark” in Paragraph 4(a)(i) of the Policy includes both registered and common law marks. Relevant case law illustrates that registration of a trademark constitutes *prima facie* evidence of the Complainant’s rights in the mark, including foreign registrations. See *The British Broadcasting Corporation v. Jaime Renteria*, [WIPO Case No. D2000-0050](#); *United Artists Theatre Circuit, Inc. v. Domains for Sale Inc.*, [WIPO Case No. D2002-0005](#); and *The Professional Golfers’ Association of America v. Golf Fitness Inc., a/k/a Golf Fitness Association*, [WIPO Case No. D2001-0218](#). See also, [WIPO/D2002-1039](#) (*microsoft.com*) and [WIPO/D2001-1015](#) (*limitedtoononline.com*).

The Complainant asserts that it has registered and used the trademark ‘TVN’ since 2007 for electronic transmission and streaming of digital media content, including internet broadcasting, under classes 38 and 41 in several countries, including China, Japan, Taiwan, Hong Kong, Singapore, Malaysia, the United Kingdom, and South Korea. Documentary evidence, comprising 38 trademark registration certificates from these countries, has been submitted (refer to Annex 2, TVN certificates). The Complainant has also furnished web addresses incorporating ‘tvn’, linked to various related services such as television channels, drama production, TV programs, TV shows, and OTT services.

Moreover, the Complainant has provided a judgment from the Thai Specialized Court of Appeal (‘SCA’), corroborating the inherent distinctiveness of the ‘TVN’

trademark. Since 2006, this three-letter abbreviation for ‘Total Variety Network’ has been widely recognized and continuously employed, which the court acknowledged. The SCA underscored that the ‘TVN’ mark is indivisible, not subject to reordering in conventional lexical sequences, and devoid of ordinary dictionary meanings (refer to Annex 7, Decision of the Thai Court).

Given these findings by the SCA, and considering the trademark’s registration in several countries, including China where the Respondent resides, this Panel concludes that the Complainant has *prima facie* met the necessary trademark rights threshold to file a UDRP case. Consequently, the Panel determines that the Complainant possesses established rights in the ‘TVN’ mark.

Regarding the comparison of the disputed domain Name with the ‘TVN’ trademark, the Panel notes that the country code Top-Level Domain (ccTLD) ‘~.cc’ is to be disregarded for comparison purposes with the Complainant’s mark.

Excluding the gTLD ‘.cc’, the disputed domain name, registered by the Respondent in 2013 and still actively used, is identical to the Complainant’s ‘TVN’ trademark. Therefore, the Panel concludes that the disputed domain name is identical or confusingly similar to the trademark in which the Complainant has rights, consistent with paragraph 4(a)(i) of the Policy.

B) Rights and Legitimate Interests

Under the UDRP, where a complainant establishes a *prima facie* case that the respondent lacks rights or legitimate interests in a domain name, the burden shifts to the respondent to demonstrate contrary evidence (WIPO Overview 3.0, section 2.1).

The Panel notes that the Complainant has presented substantial evidence indicating that the Respondent was not known by ‘TVN’ before or after the disputed domain

Name's registration, supported by Google search results and other undisclosed evidence (refer to Annex 4).

Based on this evidence, the Panel finds that the Complainant has established a *prima facie* case, shifting the burden to the Respondent, who has failed to provide any rebuttal. The operation of a commercial website by the Respondent under the disputed domain Name, which is identical or confusingly similar to the Complainant's established mark to offer Korean dramas, likely misleads consumers into believing there is an official endorsement or association with the Complainant. Such actions are not justified and suggest an unauthorized affiliation or sponsorship by the Complainant.

Consequently, given the Respondent's failure to rebut the *prima facie* case, and the deceptive nature of the domain name use, the Panel concludes that the Respondent has no rights or legitimate interests in the disputed domain Name.

C) Bad Faith

The Complainant asserts that the disputed domain name has been registered and is being used in bad faith. The Complainant emphasize that the domain name is inherently confusing and similar to the Complainant's trademark, primarily because it incorporates the Complainant's mark as its most dominant and distinctive element. The Complainant also note that "~.cc" is officially a ccTLD which is assigned to the Cocos (Keeling) Islands; however, in practice, it is widely used much like gTLDs (generic Top-Level Domains) such as .com or .net. The addition of the country code Top-Level Domain (ccTLD), '.cc', does not mitigate the potential for confusion. Furthermore, the disputed domain Name, which includes the Complainant's TVN trademark, seems designed to attract Internet users by creating confusion with the Complainant's official website. This could either obstructing the Complainant's business or seeking commercial profits. Additionally, the Respondent's use of its website under the disputed domain Name displays the Complainant's trademarks and

promotes content associated with the TVN trademark—including Korean, Japanese, and Thai dramas—which misleadingly suggests an association or endorsement by the Complainant. This includes the intentional use of the Complainant’s promotional materials and the prominent display of the disputed domain Name alongside the Complainant’s official posters on the Respondent’s website.

The Panel references paragraph 4(b)(iv) of the Policy, which outlines circumstances indicative of bad faith in domain name registration and use. Specifically, it considers cases where a domain name is used to intentionally attract Internet users to the respondent’s online site for commercial gain, by creating confusion with the complainant’s mark regarding its source, sponsorship, affiliation, or endorsement.

The Panel determines that the Respondent’s intent in registering the disputed domain Name was to benefit commercially from or otherwise exploit the Complainant’s trademark. This conclusion is supported by several factors: (i) the improbability that the Respondent was unaware of the Complainant’s mark while using it to distribute content, (ii) the distinctiveness of the Complainant’s mark, (iii) the Respondent’s failure to present credible justification for the registration, (iv) the use of an internet domain address identical to the Complainant’s mark to provide and distribute similar unauthorized contents, and (v) the identity of the disputed domain Name with the Complainant’s distinct and well-known coined trademark.

Accordingly, the Panel concludes that the Respondent attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant’s well-known and distinctive mark concerning source, sponsorship, affiliation, or endorsement. This supports a finding of bad faith registration and use of the disputed domain names, as stipulated by paragraph 4(b)(iv) of the Policy (refer to WIPO Overview, section 3.1.4)

Therefore, the Panel concludes that the Respondent registered and used the disputed domain Name in bad faith.

6. Decision

This Administrative Panel decides that the Complainant has proven each of the three elements required by paragraph 4(a) of the Policy in relation to the disputed domain name.

Pursuant to paragraph 4(i) of the Policy and paragraph 15 of the Rules, **this Administrative Panel hereby orders that the Registrar transfer the disputed domain name <tvn.cc> to the Complainant.**

辦理士
李鎮秀

Chinsu Lee

Sole Panelist

Dated: October 14, 2024