



Asian Domain Name Dispute Resolution Centre

seoul

(Seoul Office)

ADMINISTRATIVE PANEL DECISION

Case No.: KR-2500269

Complainant: SPIGEN Korea Co., LTD.

Respondent: Fischer Mueller

Disputed Domain Name: [spigentürkiye.com]

1. The Parties and Contested Domain Name

The **Complainant** is SPIGEN Korea Co., Ltd.. of 446 Bongeunsa-ro, Gangnam-gu, Seoul, Republic of Korea.

The **Respondent** is Fischer Mueller of Lietzensee Ufer 480, Gbdenroth, Rheinland Pfalz, Germany.

The **Disputed Domain Name** is ‘spigentürkiye.com’, which is registered with WEBCC.

2. Procedural History

The Complaint was filed with the Seoul Office of the Asian Domain Name Dispute Resolution Centre (ADNDRC; the “Centre”) on January 14, 2025, seeking a transfer 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 January 16, 2025, the Centre sent an email to the Registrar asking for detailed data on the registrant. On January 17, 2025, the registrar, WEBCC, 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.

On January 20, 2025, the Centre notified the Complainant of the deficiency of the Complaint and requested Complaint to rectify the deficiency by changing the details of the Respondent according to the Whois information provided by the Registrar. On the same day, the Centre received a revised Complaint submitted by the Complainant.

In accordance with the Rules, the Centre formally sent Written Notice of Complaint to the Respondent in English, notifying the Respondent of the commencement of the proceedings and that the deadline for submitting the response is February 10, 2025. The Centre received no response from the Respondent at all.

On February 11, 2025, the Centre sent email to Ms. Youngjoo SONG for listing as a candidate of the panelist. On the same day, Ms. Youngjoo SONG confirmed that she is available to act as a panelist for this case, and if appointed, she can act independently and impartially between the parties.

On February 11, 2025, the Centre notified the parties that the Panel in this case had been selected, with Ms. Youngjoo SONG acting as the sole panelist. The Panel determines that the appointment was made in accordance with “Rules” 6 and Articles 8 and 9 of the ADNDRC Supplemental Rules.

3. Factual background

The Complainant is a company registered in the Republic of Korea, established in 2008 and has been offering mobile accessories through the Complainant's website and various e-commerce platforms

The Complainant has registered the trademark "SPIGEN" (the Complainant's Trademark) in Goods Classes 9 and 35 in several countries, including Turkey, Malaysia, the US, the EU, and Korea, prior to the registration of the disputed domain name.

The Respondent registered the disputed domain name on October 27, 2024. At the time of filing of the Complaint, the disputed domain name resolved to a website, www.spigentürkiye.com, ("the Respondent's website") which displayed product images from the Complainant's principal websites, www.spigen.co.kr and www.spigen.com (the "Complainant's websites").

At the time of filing of the Complaint, the Complainant was unable to access the Respondent's website from South Korea without the assistance of a VPN.

4. Parties' Contentions

A. Complainant

The Complainant's contentions may be summarized as follows:

- i. The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's trademark. In this regard, it says that the Respondent simply combined two words, "SPIGEN" (the Complainant's Trademark) and "türkiye" (a mere geographical indication).
- ii. The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. In this regard, it says that the Complainant has never been in a business

relationship with the Respondent and there has been no permission granted to the Respondent to register or use the disputed domain name.

- iii. The Complainant further contends that the disputed domain name has been registered and is being used in bad faith. In this regard, it says that the Respondent attempted to attract internet users to its website by creating a likelihood of confusion with the Complainant's Trademark. The Complainant submitted a copy of an email from an individual customer informing it that counterfeit products were being offered on the Respondent's website. The Complainant also says that that the Respondent uses the Complainant's product images from the Complainant's website to attract consumers, potentially misleading them into believing that the Respondent's website is operated by the Complainant or its official distributor, thereby deriving unlawful profits from its infringing activities.

B. Respondent

The Respondent did not submit a formal Response.

5. Findings


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

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.7.

The complainant's name is "SPIGEN Korea Co., LTD.", and it has registered "SPIGEN" marks in Turkey, Malaysia, USA, EU and Republic of Korea, as shown in the below table. The registration dates of these marks are all earlier than the registration date of the disputed domain name.

Country	Trademark	Reg. No.	Class	Reg. Date
Turkey (Türkiye)	Spigen	2018 19637	09	Feb. 27, 2018
Malaysia	SPIGEN	2012021410	09	Dec. 18, 2012
USA	spigen	4,551,216	09, 35	June 17, 2014
USA	Spigen	6,033,830	09, 35	April 14, 2020
USA		6,033,831	09, 35	April 14, 2020
EU	Spigen	017195066	09	Dec. 26, 2017
Republic of Korea (South Korea)	SPIGEN	40-0948809	09	Jan. 15, 2013
Republic of Korea (South Korea)	SPIGEN	40-1602708	35	May 06, 2020

Accordingly, the Complainant has shown rights in respect of a trademark or service mark for "SPIGEN" for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain name, spigentürkiye.com, contains “spigen”, “Türkiye” and “.com”.

Therefore, the entirety of the Complainant’s name and mark, “SPIGEN” is reproduced within the disputed domain name. Although the addition of other terms, here, the geographic term “türkiye”, may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy since “türkiye” is nearly a geographical term. [WIPO Overview 3.0](#), section 1.8.

And, the inclusion of the gTLD “.com” is typically disregarded in the context of the confusing similarity assessment, being a technical requirement of registration. [WIPO Overview 3.0](#), section 1.11.1.

Therefore, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7, and the Panel finds the first element of the Policy has been established.

B) Rights and Legitimate Interests

Paragraph 6(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

The Panel finds that none of those circumstances apply in the present case. The Complainant has not authorized, licensed or permitted the Respondent to register or use the disputed domain name or to use the Complainant’s Trademark. The Complainant has prior rights in the Complainant’s Trademark, “SPIGEN”, which predate the Respondent’s registration of the disputed domain name, “spigentürkiye.com”. The Complainant has therefore made out a prima facie case

that the Respondent does not have any rights or legitimate interests in the disputed domain name and therefore the burden of production shifts to the Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name. [WIPO Overview 3.0](#), section 2.1.

The Respondent did not submit a response and has failed to produce any evidence to establish his rights or legitimate interests in the disputed domain name. Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

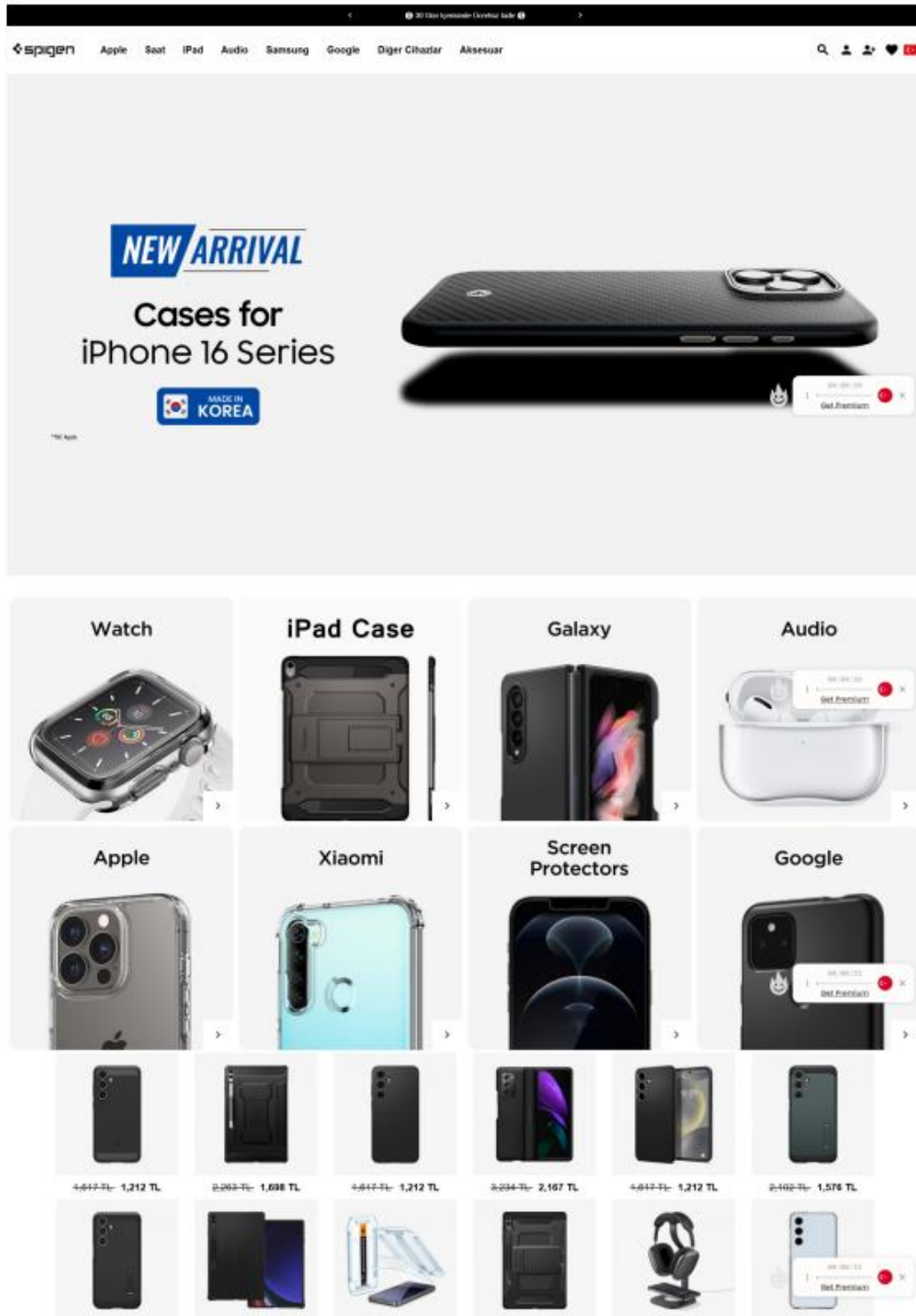
The Panel finds the second element of the Policy has been established.

C) Bad Faith

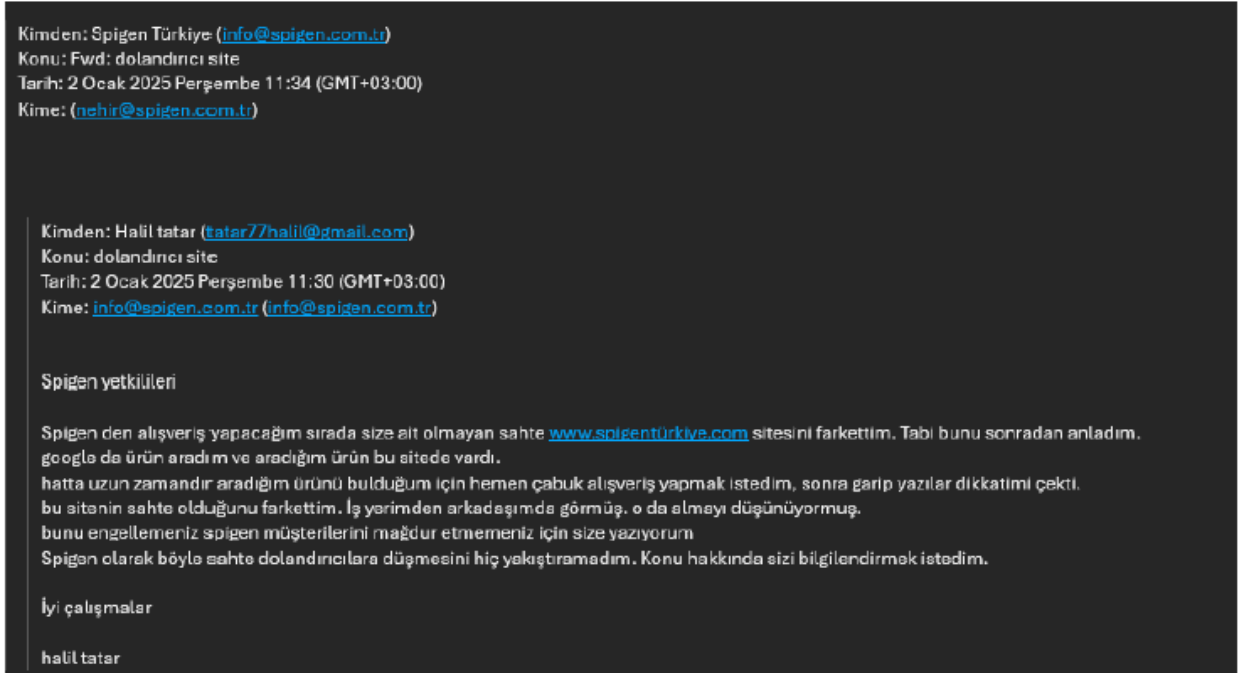
The UDRP establishes that, for purposes of paragraph 4(a)(iii), bad faith registration and use of a domain name can be established by a showing of circumstances indicating that the respondent is using the domain name to intentionally attempt to attract, for commercial gain, Internet users to the respondent's website or other online location, by creating a likelihood of confusion with the complainant's mark as to source, sponsorship, affiliation or endorsement of the respondent's website or location, or of a product or service on the respondent's website or location. See Policy, paragraph 4(b)(iv).

Prior UDRP panels have found "the following types of evidence to support a finding that a respondent has registered a domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark: (i) actual confusion, (ii) seeking to cause confusion (including by technical means beyond the domain name itself) for the respondent's commercial benefit, even if unsuccessful, (iii) the lack of a respondent's own rights to or legitimate interests in a domain name, [...] (vi) absence of any conceivable good faith use." [WIPO Overview 3.0](#), section 3.1.4.

In this case, the Respondent registered the disputed domain name by incorporating the Complainant's trademark, "SPIGEN," along with the geographic term "Türkiye." Additionally, the Respondent's website features an advertisement image of the Complainant's product, taken directly from the Complainant's website, as shown below.



In this case, there is a likelihood of confusion with the Complainant's mark. The Complainant has submitted a copy of an email from a Turkish customer reporting to the Complainant that counterfeit products were being offered on the Respondent's website, www.spigenturkiye.com, as shown below.




The Respondent did not submit a response, nor did they provide an explanation for choosing the disputed domain name or present any arguments regarding its legitimate interests in the domain name.

Therefore, the Panel concludes that the Respondent registered and is using the disputed domain name to intentionally attempt to attract, for commercial gain, the Internet users to the Respondent's website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement of the Respondent's website or location, or of a product or service on the Respondent's website or location and finds that the Complainant has established the third element of the Policy.

6. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the “Policy” and 15 of the “Rules”, the Panel orders that the disputed domain name <spigentürkiye.com> be **TRANSFERRED** to the Complainant.



Youngjoo Song

Sole Panelist

Dated: February 18, 2025