



Asian Domain Name Dispute Resolution Centre

seoul

(Seoul Office)

## ADMINISTRATIVE PANEL DECISION

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**Case No.:** KR-2500272

**Complainant:** SPIGEN Korea Co., LTD.

**Respondent:** Klaus Hahn

**Disputed Domain Name:** [ spigenphoncases.com ]

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### 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 Klaus Hahn of Schmarjestrasse 9 Ihlow, Ihlow 26632, Germany.

The **Disputed Domain Name** is 'spigenphoncases.com', which is registered with NameSilo, LLC.

### 2. Procedural History

The Complaint was filed with the Seoul Office of the Asian Domain Name Dispute Resolution Centre (ADNDRC; the "Centre") on February 17, 2025, seeking for 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 February 20, 2025, the Centre sent an email to the Registrar, NameSilo, LLC., asking for detailed data on the registrant. On the same day, the registrar 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 February 20, 2025, the Centre notified the Complainant of the deficiency of the Complaint and requested Complainant to rectify the deficiency by changing the details of the Respondent according to the Whois information provided by the Registrar. On February 21, 2025, 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 March 16, 2025. The Centre received no response from the Respondent at all.

On March 17, 2025, the Centre sent an email to Mr. Chinsu LEE for a listing as a candidate of the panelist. On the same day, Mr. Chinsu LEE confirmed that he is available to act as a panelist for this case, and if appointed, he can act independently and impartially between the parties.

On March 18, 2025, the Centre notified the parties that the Panel in this case had been selected, with Mr. Chinsu LEE 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 Supplemental Rules.

### 3. Factual background

The Complainant, Spigen Korea Co., Ltd., is a global leader in the mobile accessory industry, specializing in phone cases and other related products. It offers high-quality products primarily through its official website (<https://www.spigen.com/>) and various e-commerce platforms. The Complainant holds trademark rights to “SPIGEN” in multiple jurisdictions, including the United States, the European Union, China, and South Korea.

The Disputed Domain Name, <spigenphonecases.com>, was registered by the Respondent on October 11, 2024, as confirmed by WHOIS records. The Complainant asserts that the Respondent has used the Disputed Domain Name to operate an online commercial website that promotes and sells products, including phone cases. However, access to this website is restricted in South Korea.

### 4. Parties’ Contentions

#### A. Complainant

The Complainant’s contentions may be summarized as follows:

**i) The Disputed Domain Name is identical or confusingly similar to the Complainant’s trademark.**

The Complainant asserts ownership of the registered trademark “SPIGEN” in multiple jurisdictions, including the United States, the European Union, China, and South Korea. The Disputed Domain Name, <spigenphonecases.com>, wholly incorporates the Complainant’s trademark “SPIGEN” along with the descriptive term “phone cases”, which directly relates to the Complainant’s core business. The addition of such a generic term does not eliminate the likelihood of confusion but rather reinforces the association with the Complainant’s brand. Given these factors, there is a significant risk that consumers will mistakenly believe the Disputed Domain Name is associated with, endorsed by, or affiliated with the Complainant.

**ii) The Respondent has no rights or legitimate interests in the Disputed Domain Name.**

The Complainant contends that the Respondent has no legitimate rights or interests in the Disputed Domain Name. The Complainant has never authorized, licensed, or permitted the Respondent to use its “SPIGEN” trademark in any capacity. Further, there is no evidence to suggest that the Respondent is commonly known by the Disputed Domain Name. “SPIGEN” has been the Complainant’s official business name since its establishment in 2008, and a simple search reveals that the term is exclusively associated with the Complainant and its products. The Respondent’s unauthorized use of the Complainant’s trademark in the Disputed Domain Name, particularly in connection with commercial activities, demonstrates an attempt to misleadingly divert consumers rather than a legitimate use.

**iii) The Disputed Domain Name has been registered and is being used in bad faith.**

The Complainant asserts that the Respondent registered and is using the Disputed Domain Name in bad faith. The Complainant had established its rights in the “SPIGEN” trademark long before the Respondent registered the Disputed Domain Name on October 11, 2024. Given the global recognition of the “SPIGEN” brand in the mobile accessory industry, it is highly unlikely that the Respondent was unaware of the Complainant’s rights. Instead, the Respondent intentionally incorporated the “SPIGEN” mark in the Disputed Domain Name to exploit the Complainant’s goodwill.

The Respondent operates an online commercial website under the Disputed Domain Name, offering and promoting products, including phone cases, which directly compete with the Complainant’s business. This use is intended to deceive consumers into believing that the Respondent’s website is affiliated with or endorsed by the Complainant. Additionally, access to the Respondent’s website is restricted in South Korea, further indicating an attempt to obscure its illicit activities and evade enforcement actions.

By misleading internet users, diverting traffic, and capitalizing on the reputation of the “SPIGEN” trademark, the Respondent’s actions constitute bad faith registration and use. Accordingly, the Complainant respectfully requests the immediate transfer of the Disputed Domain Name to its rightful ownership.

## **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 addresses disputes involving abusive domain name registration and use, commonly known as “cybersquatting.” See *Milwaukee Electric Tool Corp. v. Bay Verte Machinery*, WIPO Case No. D2002-0774. Accordingly, this Panel's jurisdiction is limited to such cases. See also *Weber-Stephen v. Armitage Hardware*, WIPO Case No. D2000-0187.

Under Paragraph 15(a) of the Rules, the Panel must decide the case based on the parties' submissions and in accordance with the Policy, the Rules, and applicable legal principles.

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.

Paragraph 4(b) of the Policy lists four illustrative examples of bad-faith registration and use, but it does not limit the finding of bad faith to only those scenarios.

Paragraph 4(c) outlines three ways in which a respondent may demonstrate rights or legitimate interests in a domain name.

While the complainant bears the burden of proof on all three elements under Paragraph 4(a), UDRP panels have acknowledged the practical difficulty of proving a negative—particularly where relevant information is primarily within the respondent’s knowledge. Therefore, once a complainant makes a *prima facie* showing that the respondent lacks rights or legitimate interests, the burden of production shifts to the respondent to provide evidence of such rights or interests. See *Document Technologies, Inc. v. International Electronic Communications Inc.*, WIPO Case No. D2000-0270.

#### **A) Identical / Confusingly Similar**

Paragraph 4(a)(i) of the Policy requires the Complainant to establish that the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which it has rights. The term “trademark or service mark” under the Policy encompasses both registered and unregistered marks. Numerous UDRP decisions have held that ownership of a valid trademark registration constitutes *prima facie* evidence of rights in the mark. 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; *Document Technologies, Inc. v. International Electronic Communications Inc.*, WIPO Case No. D2000-0270.

The Complainant, SPIGEN KOREA Co., Ltd., is the lawful owner of the registered trademark “SPIGEN” in several countries, including the United States, the European Union, China, and South Korea. Documentary evidence supporting these registrations is provided in Annexes C, D, E, and F, respectively. These registrations cover classes relevant to the Complainant’s mobile phone accessories business.

The Disputed Domain Name is <spigenphonecases.com>. In assessing confusing similarity, it is well established that the generic Top-Level Domain (gTLD) “.com” is to be disregarded. See *Rollerblade, Inc. v. Chris McCrady*, WIPO Case No. D2000-0429.

Excluding the gTLD, the remaining portion of the domain name comprises the Complainant's distinctive and registered trademark "SPIGEN" combined with the descriptive term "phonecases." The term "phonecases" directly relates to the Complainant's primary line of products, namely phone cases, and does not diminish the dominance of the "SPIGEN" mark in the domain name.

Numerous UDRP panels have recognized that when a domain name incorporates a complainant's trademark in its entirety, along with a descriptive or generic term, it does not prevent a finding of confusing similarity. See *Nintendo of America Inc. v. Marco Beijen*, WIPO Case No. D2002-0770; *Playboy Enterprises International, Inc. v. John Taxiarchos*, WIPO Case No. D2006-0561.

Accordingly, **this Panel finds that the Disputed Domain Name <spigenphonecases.com> is confusingly similar to the trademark "SPIGEN" in which the Complainant has rights, in accordance with paragraph 4(a)(i) of the Policy.**

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

Under the UDRP, once the Complainant establishes a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name, the burden shifts to the Respondent to demonstrate otherwise (WIPO Overview 3.0, section 2.1).

The Panel notes that the Complainant has submitted sufficient evidence to support its assertion that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name. "SPIGEN" is a coined term and the official trade name of the Complainant, a company established in 2008. The Complainant registered the "SPIGEN" trademark in multiple jurisdictions—including the United States, the European Union, China, and South Korea—prior to the Respondent's registration of the Disputed Domain Name.

The Complainant asserts that it has never authorized or permitted the Respondent to use the “SPIGEN” mark in any manner. The Respondent has not been commonly known by the name “SPIGEN,” nor has the Complainant had any business relationship with the Respondent. Moreover, the Complainant claims that the Respondent has operated a commercial website using the Disputed Domain Name, which incorporates the Complainant’s trademark without authorization, in a way that may mislead consumers into believing there is an affiliation or endorsement by the Complainant. It is also unclear whether the products or services promoted on the Respondent’s website originate from, or are authorized by, the Complainant.

The Respondent failed to submit any Response to the Complaint and has not provided any evidence of rights or legitimate interest in the Disputed Domain Name. In particular, the Respondent has not demonstrated ownership of any trademark or the operation of any legitimate business under the name “SPIGEN.”

Accordingly, based on the Complainant’s un rebutted *prima facie* case and the absence of any evidence to the contrary, **the Panel concludes that the Respondent has no rights or legitimate interests in the Disputed Domain Name.**

### **C) Bad Faith**

Under paragraph 4(a)(iii) of the Policy, the Complainant must establish that the Respondent is registered and is using the Disputed Domain Name in bad faith. Paragraph 4(b) of the Policy sets out non-exhaustive circumstances which, if found by the Panel to be present, shall be evidence of bad faith registration and use. Based on the evidence submitted, the Panel finds that multiple such circumstances apply in this case.

#### **(1) Paragraph 4(b)(i): Intent to Sell or Exploit the Domain Name**

The Disputed Domain Name, <spigenphonecases.com>, incorporates in its entirety the Complainant’s coined and highly distinctive trademark “SPIGEN.” Although



“SPIGEN” may not be legally classified as a well-known mark, it is a made-up, non-dictionary term with no generic meaning—making it highly improbable that the Respondent selected it by chance.

Moreover, the Respondent registered the Disputed Domain Name after the Complainant had already secured trademark rights in several jurisdictions including the United States, the European Union, China, and South Korea. The Respondent has not demonstrated any rights or legitimate interests in the mark. These facts strongly suggest that the Respondent targeted the Complainant’s trademark with the intention of commercial exploitation, which may include offering the domain for sale or using it in a manner intended to derive benefit from the mark’s goodwill. Such circumstances support the finding of bad faith under Policy paragraph 4(b)(i).

**(2) Paragraph 4(b)(iii): Disruption of a Competitor’s Business**

The combination of the Complainant’s distinctive mark “SPIGEN” with the generic term “phonecases”—which directly describes the Complainant’s core product line—only reinforces the likelihood that Internet users would associate the Disputed Domain Name with the Complainant. This structure appears deliberately crafted to trade on the Complainant’s brand reputation and mislead consumers.

The Respondent is using the Disputed Domain Name to operate a commercial website that promotes and sells products similar to those of the Complainant, including phone cases and other mobile accessories. Notably, the website features product images that appear to have been copied from the Complainant’s official website. This strongly suggests that the Respondent is attempting to replicate the look and feel of an authorized reseller or official channel.

Such conduct is likely to mislead consumers and divert business from the Complainant. Even if the parties are not direct competitors in a legal or contractual sense, the Respondent’s use of the domain name to sell similar goods places them in a de facto competitive relationship. Accordingly, the Panel finds this behavior falls

within **Policy paragraph 4(b)(iii)**, which recognizes registration for the purpose of disrupting a competitor's business as a form of bad faith.

### **(3) Paragraph 4(b)(iv): Intent to Attract Users for Commercial Gain by Creating Confusion**

The Respondent's use of the Disputed Domain Name appears specifically designed to create a likelihood of confusion with the Complainant's trademark. By operating a commercial website under the name <spigenphonecases.com>, using unauthorized images and offering similar products, the Respondent is attempting to attract Internet users under the false pretense of affiliation with or endorsement by the Complainant.

The Complainant further asserts that the products sold on the Respondent's site were not authorized or distributed by the Complainant, raising legitimate concerns that the goods may be counterfeited. If this is true, the Respondent's actions not only infringe upon the Complainant's trademark rights but also risk deceiving consumers and damaging the Complainant's reputation. The Respondent has provided no explanation or rebuttal to these serious allegations.

These actions fall squarely within **Policy paragraph 4(b)(iv)**, which deems it evidence of bad faith when a respondent uses a domain name to intentionally attract, for commercial gain, Internet users by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the site.

### **(4) Additional Circumstances: Geo-blocking and Evasion of Legal Accountability**

The Panel notes that the Respondent's website is inaccessible from South Korea, the Complainant's home country, unless accessed through a VPN. While the Respondent might argue that this reflects a targeted marketing strategy, such geo-

blocking more plausibly appears to be a deliberate attempt to evade detection and legal action by the Complainant. This conduct further supports the finding that the Respondent acted in bad faith.

## **(5) Conclusion**

Considering the totality of the evidence—specifically, the Respondent’s targeting of a distinctive trademark, use of the domain name for a competing and confusingly similar commercial website, unauthorized use of product images, possible sale of counterfeit goods, and the intentional restriction of access in the Complainant’s jurisdiction—the Panel concludes that the Respondent registered and is using the Disputed Domain Name in bad faith under paragraph 4(a)(iii) of the Policy.

**Accordingly, the Panel finds that the Complainant has satisfied the third element of the Policy.**

## **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, <spigenphonecases.com>, to the Complainant.

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Chinsu Lee

Sole Panelist

Dated: March 24, 2025