



Asian Domain Name Dispute Resolution Centre

seoul

(Seoul Office)

ADMINISTRATIVE PANEL DECISION

Case No. KR-1900203

Complainants: Kia Motors Corporation (Authorized Representative: Barun IP & Law)

Respondent: Anil Varma

Disputed Domain Name(s): seltos-kia.com

1. The Parties and Contested Domain Name

The Complainant is Kia Motors Corporation, 12 Heolleung-ro, Seocho-gu, Seoul 06797, Republic of Korea.

The Authorized Representative of Complainant is Barun IP & Law, 9th Fl., Saman Building, 520 Teheran-ro, Gangnam-gu, Seoul 06181, Republic of Korea.

The Respondent is Anil Varma, E-202, Sejal Park, Sant Mirabai Road, Ghartan Pada 02, Dahisar East, Mumbai, Maharashtra, India. Postal Code: 400068

The Domain Name at issue is “seltos-kia.com,” registered by GoDaddy.com.

2. Procedural History

The Complaint was filed with the Seoul Office of the Asian Domain Name Dispute Resolution Center (ADNDRC)[“Center”] on August 20, 2019, seeking a transfer of the Domain Name in dispute.

On August 28, 2019, the Center sent an email to the Registrar asking for the detailed data of the Domain Name registrant. On August 29, 2019, GoDaddy.com transmitted by email to the Center its verification response, stating 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 Center's Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, the Center formally notified the Respondent of the Complaint. The proceedings commenced on August 29, 2019 and the due date for the Response was September 18, 2019. No Response was filed by the due date.

On September 24 2019, the Center appointed Mr. Doug Jay Lee as the 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 for this case in a legitimate way.

We are writing to advise the parties of the Panel's decision.

3. Factual Background

i. The Complainant (Kia Motors Corporation), was founded in 1944 and is one of the world's leading automotive manufacturers. The Complainant began using the trade name and trademark "KIA" in 1952. In 2012, Kia Motors was selected by Interbrand as one of its 100 Best Global Brands for the first time. It became the world's 69th most valuable brand on the list in 2016. Moreover, its brand value rose to US\$6.7 billion in 2017, reinforcing its position as one of the world's leading brands.

ii. The Complainant has asked the Respondent to transfer the Domain Name to it, but the Respondent has not replied.

4. Parties' Contentions

A. Complainant

The Complainant's contentions may be summarized as follows:

i. The Complainant is the owner of hundreds of trademark registrations in Korea, India, the United States and other jurisdictions that consist of or include the elements "KIA" and "SELTOS" in association with automobiles and related businesses, goods and services.

ii. The Complainant and its mark "KIA" are well known in India and around the world.

iii. The disputed Domain Name is identical or confusingly similar to the Complainant's "KIA" and "SELTOS" trademarks.

iv. The Respondent has failed to make use of the disputed Domain Name.

B. Respondent

The Respondent has not replied to the Complainant's contentions.

5. Findings

The Uniform Domain Name Dispute Resolution Policy of the Internet Corporation for Assigned Names and Numbers (ICANN) declares, in Paragraph 4(a), that each of three findings must be made in order for a complainant to prevail:

- i. The respondent's domain name must be identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- ii. The respondent has no rights or legitimate interests in respect of the domain name; and
- iii. The respondent's domain name has been registered and is being used in bad faith.

A) Similarity

The disputed Domain Name must be considered confusingly similar to the Complainant's trademarks. When comparing the disputed Domain Name to the

Complainant's mark, the relevant comparison to be made is between only the second-level portion of the disputed Domain Name and the Complainant's mark. The addition of the generic top-level domain (gTLD) ".com" does not add any distinctiveness to the disputed Domain Name. Seen in that light, the disputed Domain Name can be considered as having combined the Complainant's famous "KIA" and "SELTOS" trademarks in their entireties. Therefore, the disputed Domain Name "seltos-kia.com" is identical or confusingly similar to the Complainant's "KIA" and "SELTOS" trademarks.

B) Rights and Legitimate Interests

Under Paragraph 4(a)(ii) of the Policy, the Complainant may first make a prima facie case that the Respondent lacks the rights or legitimate interests in respect of the disputed Domain Name, after which the burden shifts to the Respondent to demonstrate that it does have such rights or legitimate interests. After the Respondent failed to reply to the Complainant's contentions, the Complainant submitted a screenshot of the landing page associated with the disputed Domain Name. The landing page displays the following error message: "Website coming soon! Please check back soon to see if the site is available." This shows the Respondent has no rights or legitimate interests in respect of the Domain Name.

C) Bad Faith

i. The Complainant's trademarks predate the registration of the disputed Domain Name and the Respondent has never been authorized by the Complainant to register the disputed Domain Name.

ii. The elements comprising the disputed Domain Name — a dash ("-"), the Complainant's famous mark "KIA" and its mark "SELTOS," which is to be launched in India — are clearly part of a deliberate and calculated attempt to reap improper benefit from the Complainant's rights.

iii. The Respondent has failed to make an active use of the disputed Domain Name.

iv. The launch of the disputed Domain Name, on June 21, 2019, was on the day after the Complainant unveiled its first car for India, the Kia Seltos, on June 20, 2019.

For all of the reasons stated above, it is clear that the disputed Domain Name was registered in bad faith.

6. Decision

With due regard to the parameters of the Policy, the Rules and the Supplemental Rules, the Panel finds that the Complainant has met the criteria for a bad-faith filing under Paragraph 4(a)(iii) of the Policy.

Based on the foregoing reasons, the Complaint is allowed and the Domain Name registration is to be transferred to the Complainant.



Doug-Jay Lee
Sole Panelist

Dated: October 22, 2019