



Asian Domain Name Dispute Resolution Centre

seoul

(Seoul Office)

ADMINISTRATIVE PANEL DECISION

Case No. KR-2100227

Complainant: Gilim International Co., Ltd. (Authorized Representative : Patent Attorney/US Attorney at law Changhoon Lee)

Respondent: AskMySite.com LLC

Disputed Domain Name(s): hbaf.com

1. The Parties and Contested Domain Name

The Complainant is Gilim International Co., Ltd., 176, Bonggol-gil, Opo-eup, Gwangju-si, Gyeonggi-do, Republic of Korea.

The Authorized Representative of Complainant is Changhoon Lee, AJU Kim Chang & Lee, 7-14th Floor, Donghee Building, 302 Gangnam-daero, Gangnam-Gu, Seoul 06253, Republic of Korea.

The Respondent is AskMySite.com LLC, P.O. Box 411, Cresskill, NJ 07626, US.

The domain name at issue is 'hbaf.com', registered with ENOM, INC.

2. Procedural History

The Complaint was filed with the Seoul Office of the Asian Domain Name Dispute Resolution Center (ADNDRC)[“Center”] on February 23, 2021, seeking for a transfer of the domain name in dispute.

On February 24, 2021, the Center sent an email to the Registrar asking for the detailed data of the registrant. On February 27, 2021, Enom, INC transmitted by email to the Center 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 Center formally notified the Respondent of the Complaint. The proceedings commenced on March 3, 2021 and the due date for the Response was March 23, 2021. No Response was filed by the due date.

On March 26, 2021, the Center appointed Mr. Chanmo Chung 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 of this case in a legitimate way.

3. Factual background

The Complainant registered various trademarks for the word "HBAF" under Classes 29 to 35 of the International Classification of Goods since July 2019 in Korea and internationally.

According to the Whois records (Exhibit 1), the disputed domain name was created on February 17, 2004 and recently renewed on February 16, 2020.

4. Parties' Contentions

A. Complainant

The Complainant asserts that the disputed domain should be transferred for the following reasons. First, the domain name at issue is identical to the Complainant's registered "HBAF" mark. Second, the Respondent has no rights or legitimate interests in respect of the domain name because of the absence of any corresponding name related to the Respondent or any active use of the disputed domain name in connection with a bona fide offering or other fair use. Third, the Respondent's domain name has been registered in bad faith and is being used in bad faith because the domain name is for sale and the Respondent employs a privacy service.

B. Respondent

The Respondent has not submitted any 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

There is no question about the identity of the domain name with the Complainant's registered trademarks.

B) Rights and Legitimate Interests

Because the Complaint failed to meet the bad faith test as explained in section (C) below, the Panel is not required to make any findings for this element.

C) Bad Faith

The Panel notes that the original registration of the disputed domain name predates Complainant's registration of the corresponding trademarks. In this situation, a bad faith of the Registrant cannot be presumed easily. Despite of some circumstantial information that the Complainant provided as evidence of bad faith, the Panel finds them not enough to successfully prove the Respondent's bad faith.

6. Decision

For the foregoing reasons, the Complaint is denied.



Chanmo Chung
Sole Panelist

Dated: April 7, 2021