



Asian Domain Name Dispute Resolution Centre

hong kong

**(Hong Kong Office)**

**ADMINISTRATIVE PANEL DECISION**

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<b>Case No.</b>	<b>HK-2101461</b>
<b>Complainant:</b>	<b>Herbalife (Shanghai) Management Co., Ltd.</b>
<b>Respondent:</b>	<b>Yang Kyung Won</b>
<b>Disputed Domain Name(s):</b>	<b>&lt;kangbaolai.com&gt;</b>

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**1. The Parties and Contested Domain Name**

The Complainant is Herbalife (Shanghai) Management Co., Ltd., Shanghai, China represented by Beijing Chaocheng Law Firm, Beijing, China.

The Respondent is Yang Kyung Won, Seoul, Republic of Korea.

The domain name at issue is <kangbaolai.com>, registered by the Respondent with Megazone Corp., dba HOSTING.KR, at 7th Floor, Megazone Building, 46 Nonhyeon-ro 85-gil, Gangnam-gu, Seoul, Republic of Korea.

**2. Procedural History**

The Complaint was filed with the Hong Kong Office of the Asian Domain Name Dispute Resolution Centre (ADNDRC)[“Centre”] on May 7, 2021, seeking for a transfer of the disputed domain name. On May 10, 2021, the Centre sent an email to the Megazone Corp., dba HOSTING.KR asking for the detailed data of the registrant. On May 17, 2021, the Registrar verified that Yang Kyung Won is the current registrant of the disputed domain name and that the Respondent is bound by the Megazone Corp., dba HOSTING.KR registration agreement and has thereby agreed to resolve domain disputes brought by third parties in accordance with ICANN’s Uniform Domain Name Dispute Resolution Policy (the “Policy”).

The Centre 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").

The proceedings commenced on June 1, 2021. In accordance with the Rules, the Centre formally notified the Respondent of the Complaint in both Korean and English, setting a

deadline of June 21, 2021 by which the Respondent could file a Response to the Complaint, via e-mail to all entities and persons listed on the Respondent's registration as technical, administrative, and billing contacts.

A timely Response was received on June 11, 2021.

On June 16, 2021, the Centre appointed Ho-Hyun Nahm, Esq., 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 Centre, in accordance with paragraph 7 of the Rules, organized the Panel of this case in a legitimate way.

Having reviewed the communications records, the Administrative Panel (the "Panel") finds that the Centre has discharged its responsibility under Paragraph 2(a) of the Rules "to employ reasonably available means calculated to achieve actual notice to Respondent" through submission of Electronic and Written Notices, as defined in the Rules. Therefore, the Panel may issue its decision based on the documents submitted and in accordance with the Policy, the Rules, the Centre's Supplemental Rules and any rules and principles of law that the Panel deems applicable.

### **3. Preliminary Issue: Language of the Proceedings**

The Panel notes that the Registration Agreement is written in Korean, thereby making the language of the proceedings in Korean. The Complainant has requested that the proceeding should be in English because i) the Complainant has done a tremendous job of presenting evidence; ii) the Complainant has translated a lot of evidence from Chinese into English; iii) it would be unfair to the Complainant to have it translated into Korean; iv) the technical terms in the domain name dispute area are difficult to express accurately in Korean; and v) English is the international language. The Respondent rebuts that the proceeding should be in Korean because the Respondent himself is a Korean, and he is not free in communicating in English which would unfairly affect the proceedings.

Paragraph 11(a) of the Rules provides that the language of the proceeding shall be the language of the Registration Agreement, unless otherwise agreed to by the parties, subject to the authority of the panel to determine otherwise. In this case, the language of the Registration Agreement is Korean, and both Parties have had an opportunity to argue their position on this point. In determining the language of the proceeding in the present case, the Panel considers the following points: i) the Response (in Korean) indicates the Respondent's knowledge of the requirements under the UDRP; ii) a good number of UDRP proceedings where the Respondent is a party were conducted in English [e.g., *Renée Blanche S.r.l. v. Yang Kyung Won*, D2018-0541 (WIPO May 13, 2018); *Adapt IT Holdings Limited v. Yang Kyung Won*, D2016-1173 (WIPO September 16, 2016), etc.]; and iii) the Panel is familiar with both languages, capable of reviewing all the documents and materials in both languages, and able to give full consideration to the Parties' respective arguments.

In light of the aforementioned circumstances, the Panel finds that there will be no prejudice against the Respondent as a result of the Complainant's submission in English. Thus, the Panel concludes that it will accept the Complaint as filed in English as well as the Response as filed in Korean, and issue a decision in English.

### **4. Factual background**

The Complainant is the legitimate user of the trademarks "Herbalife" and "康宝莱". The Complainant, Herbalife (Shanghai) Management Co., Ltd. is a member of Herbalife group, which is a branch of Herbalife International, Inc. in China. Herbalife International, Inc. is a global nutrition and weight management company founded in the United States in 1980. Herbalife International Inc. has more than 10,000 employees operating in more than 90 countries. The Complainant, operating in China since 2014, has been authorized exclusively by Herbalife International Inc. for using the trademarks of "Herbalife" and "康宝莱" since 2019.

## 5. Parties' Contentions

### A. Complainant

The Complainant's contentions are summarized as follows:

i) Herbalife International, Inc., has rights in the 康宝莱 mark based on registrations of the mark with the China National Intellectual Property Administration (CNIPA)(e.g., Reg. No. 5299273 registered on July 28, 2009; Reg.No.5318601 registered on July 21, 2009; Reg.No.5318600 registered on August 14, 2009). Legitimately authorized by Herbalife International Inc., the Complainant has the exclusive right to use the trademark 康宝莱 (hereinafter referred to as 'Complainant's mark'). The disputed domain name is confusingly similar to the Complainant's mark.

ii) The Respondent has no rights or legitimate interests in respect of the domain name. The Complainant has not authorized the Respondent to use the Complainant's trademark and domain name in any form. The Complainant's investigation has revealed that there is no trace of trademark registration information of "kangbaolai" or "康宝莱" under the name of the Respondent. The Respondent is not commonly known by the disputed domain name. The Respondent does not appear to have operated any *bona fide* or legitimate business under the disputed domain name and is not making a fair use of the disputed domain name. There is no indication that the Respondent has used the disputed domain name in connection with an active website. The disputed domain name was directed to another website which was improvised by the Respondent after the Complainant filed the Complaint. This is merely a means for the Respondent to evade the UDRP policy.

iii) The Respondent was aware of the existence of the Complainant and its trademark at the time of registering the disputed domain name. As the registration time of the disputed domain name <kangbaolai.com> is August 23, 2010, which is much later than the time when the Complainant used the trademark or operates business in China and in the Republic of Korea. The disputed domain name has been "maliciously registered." The Respondent had directed the disputed domain name to a domain name sales page publicly showing that the purpose of registering the domain name was to sell the domain name. After filing of this Complaint, the Respondent created a temporary website in order to evade the UDRP policy. It does not confer rights on the Respondent, whose actions can establish that his use of the disputed domain name was in bad faith. The Complainant has several squatted domain names under his name (e.g.,< GRKOREA.com>, <labelux.com>). This kind of repeatedly squatting the domain name corresponding to others' brand belongs to malicious use. The Respondent's conduct was consistent with the description in Policy 4B (ii).

## B. Respondent

The Respondent's contentions are summarized as follows:

- i) The Complainant does not have a trademark registration related to the disputed domain name in the Republic of Korea. The Complainant's mark is not a well-known or famous mark in Korea or elsewhere in the world.
- ii) The Respondent has rights and legitimate interests in respect of the disputed domain name. The Respondent is conducting an Internet business in Korea. The Respondent has been actively using the disputed domain name for the Respondent's blog address. The Respondent has legitimately registered the disputed domain name. The disputed domain name is the Respondent's beloved nick name.
- iii) Anyone is entitled to register the disputed domain name per the first-to-register rule of Registrars. As the Respondent purchased and owns the disputed domain name which was legitimately registered, the Complainant who is not a legitimate right holder for the disputed domain name has engaged in reverse domain name hijacking. Only the Respondent is entitled to own the disputed domain name exclusively.

## 6. Findings

- i) Herbalife International, Inc. has rights in the 康宝莱 mark based on registrations of the mark with the China National Intellectual Property Administration (CNIPA) (*e.g.*, Reg. No. 5299273 registered on July 28, 2009; Reg. No. 5318601 registered on July 21, 2009; Reg. No. 5318600 registered on August 14, 2009). Legitimately authorized by Herbalife International, the Complainant has established exclusive rights to use the 康宝莱 mark.
- ii) The disputed domain name was registered on August 23, 2010.
- iii) The Respondent had resolved the disputed domain name to a domain name sales page. The disputed domain name was resolved to a domain name sales page dated February 23, 2021, March 8, 2015, and September 15, 2013. The disputed domain name's resolving website dated March 8, 2015 and September 15, 2013 displays hyperlinks for the Complainant's trademark "康宝莱" and other Chinese character brand products.
- iv) The disputed domain name's present resolving website offers a type of consulting services for furniture.
- v) The Complainant has not engaged in reverse domain name hijacking.

## 7. Discussions

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Paragraph 4(a) of the Policy requires that Complainant must prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

- (1) the domain name registered by Respondent is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (2) Respondent has no rights or legitimate interests in respect of the domain name; and
- (3) the domain name has been registered and is being used in bad faith.

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

Herbalife International, Inc., has rights in the 康宝莱 mark based on registrations of the mark with the China National Intellectual Property Administration (CNIPA) (*e.g.*, Reg. No. 5299273 registered on July 28, 2009; Reg. No. 5318601 registered on July 21, 2009; Reg. No. 5318600 registered on August 14, 2009). Legitimately authorized by Herbalife International, the Complainant has the exclusive right to use the 康宝莱 mark. The disputed domain name is confusingly similar to the Complainant's mark.

The Respondent rebuts that the Complainant does not have a trademark registration relevant to the disputed domain name in the Republic of Korea. The Panel observes that it is not required for the Complainant to have a trademark registration in the country of the Respondent. *See paragraph 1.1.2, WIPO Jurisprudential Overview 3.0* (noting in particular the global nature of the Internet and Domain Name System, the jurisdiction(s) where the trademark is valid is not considered relevant to panel assessment under the first element). The general consensus is that a national or a regional trademark registration is sufficient in conferring rights in a mark under paragraph 4(a)(i) of the Policy. *See paragraph 1.2.1 WIPO Jurisprudential Overview 3.0* (where the complainant holds a nationally or regionally registered trademark or service mark, this *prima facie* satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case); *see also T-Mobile USA, Inc. dba MetroPCS v. Ryan G Foo / PPA Media Services*, FA1627542 (FORUM Aug. 9, 2015) (finding that Complainant has rights in the METROPCS mark through its registration with the United States Patent and Trademark Office); *see also Samsung Electronics Co., Ltd v. lupie jet, KR-1700157* (CENTRE May 3, 2017) (finding that Complainant has rights in the SAMSUNG mark through its registration with the Korean Intellectual Property Office). The Complainant has provided the Panel with the trademark certificates for 康宝莱 mark in the name of Herbalife International, Inc. as duly registered with the CNIPA. The Complainant has further submitted the Trademark Authorization Certificate authorizing an exclusive right to use 康宝莱 mark and some other marks to the Complainant, along with the power to represent the Herbalife International, Inc. in initiating complaints against any infringement on the Herbalife International, Inc.'s intellectual property rights including trademark infringement. Therefore, the Panel finds the Complainant's evidence of CNIPA registrations for the 康宝莱 mark and the Trademark Authorization Certificate authorizing the Complainant an exclusive right to use 康宝莱 mark sufficient in establishing rights under paragraph 4(a)(i) of the Policy. *See paragraph 1.4.1, WIPO Jurisprudential Overview 3.0* (a trademark owner's affiliate such as a subsidiary of a parent or of a holding company, or an exclusive trademark licensee, is considered to have rights in a trademark under the UDRP for purposes of standing to file a complaint).

The Complainant contends that the disputed domain name is confusingly similar to the Complainant's mark. The main identifying part of the disputed domain name contains all or at least one of the main features of the trademark, which has led to the confusion. Apart from the suffix ".com ", the distinguishing part of the disputed domain name <kangbaolai.com> is "kangbaolai", which is consistent with the Chinese pinyin corresponding to the Complainant's

"康宝莱" trademark. The additional part ".com" does not lessen the inevitable confusion of "kangbaolai" of the disputed domain name with the Complainant's trademark. The Panel finds that the part "kangbaolai" of the disputed domain name is an English transliteration of the Complainant's mark "康宝莱", and thus it is confusingly similar to the Complainant's mark. *See paragraph 1.14, WIPO Jurisprudential Overview 3.0* (a domain name that consists or is comprised of a translation or transliteration of a trademark will normally be found to be identical or confusingly similar to such trademark for purposes of standing under the Policy, where the trademark – or its variant – is incorporated into or otherwise recognizable, through such translation/transliteration, in the domain name). The Panel also agrees that addition of a gTLD '.com' to the English transliteration of the Complainant's mark "康宝莱" in order to form the disputed domain name does not distinguish the disputed domain name from Complainant's mark for the purposes of the analysis of paragraph 4(a)(i) of the Policy. *See Microsoft Corporation v. Thong Tran Thanh*, FA 1653187 (FORUM Jan. 21, 2016) (determining that confusing similarity exist where [a disputed domain name] contains Complainant's entire mark and differs only by the addition of a generic or descriptive phrase and top-level domain, the differences between the domain name and its contained trademark are insufficient to differentiate one from the other for the purposes of the Policy).

The Panel, therefore, finds that the disputed domain name is confusingly similar to Complainant's mark "康宝莱" per paragraph 4(a)(i) of the Policy.

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

Complainant must first make a *prima facie* case that Respondent lacks rights and legitimate interests in the disputed domain name under paragraph 4(a)(ii) of the Policy, and then the burden shifts to Respondent to show it does have rights or legitimate interests. *See Hanna-Barbera Prods., Inc. v. Entm't Commentaries*, FA741828 (Forum Aug. 18, 2006) (holding that the complainant must first make a prima facie case that the respondent lacks rights and legitimate interests in the disputed domain name under paragraph 4(a)(ii) of the Policy before the burden shifts to the respondent to show that it does have rights or legitimate interests in a domain name); *see also AOL LLC v. Gerberg*, FA780200 (Forum Sept. 25, 2006) ("Complainant must first make a prima facie showing that Respondent does not have rights or legitimate interest in the subject domain names, which burden is light. If Complainant satisfies its burden, then the burden shifts to Respondent to show that it does have rights or legitimate interests in the subject domain names.").

The Complainant has not authorized the Respondent to use the Complainant's trademark and domain name in any form. The Panel finds that a lack of contradicting evidence in the record that the Respondent was authorized to use a complainant's mark in a domain name can be evidence of a lack of rights and legitimate interests. *See Navistar International Corporation v. N Rahmany*, FA1620789 (FORUM June 8, 2015) (finding that the respondent was not commonly known by the disputed domain name where the complainant had never authorized the respondent to incorporate its NAVISTAR mark in any domain name registration).

The Complainant further contends that the Complainant's investigation has revealed that there is no trace of trademark registration information of "kangbaolai" or "康宝莱" under the name of the Respondent. The Respondent is not commonly known by the disputed domain name. The Panel is of the view that WHOIS information can be used to support a finding under paragraph 4(a)(ii) of the Policy that a respondent is not commonly known by a disputed

domain name. *See Chevron Intellectual Property LLC v. Fred Wallace*, FA1626022 (FORUM July 27, 2015) (finding that the respondent was not commonly known by the <chevron-europe.com> domain name under paragraph 4(a)(ii) of the Policy, as the WHOIS information named “Fred Wallace” as registrant of the disputed domain name). The Panel notes that the WHOIS information of the disputed domain name lists “Yang Kyung Won” as registrant of the disputed domain name, and thus finds that the Respondent was not commonly known by the <kangbaolai.com> domain name.

Next, the Complainant submits that the Respondent does not appear to have operated any *bona fide* or legitimate business under the disputed domain name and is not making a fair use of the disputed domain name. There is no indication that the Respondent has used the disputed domain name in connection with an active website. The Complainant contends that the disputed domain name was directed to another website which was improvised by the Respondent after the Complainant filed the Complaint. This is merely a means for the Respondent to evade the UDRP policy.

Given the considerations above, the Panel finds that the Complainant has made out a *prima facie* case. As the onus thus shifts to the Respondent, the Panel must now see if the Respondent has rebutted the *prima facie* case and shown that it has a right or legitimate interest in the disputed domain name. The Respondent rebuts that the Respondent has rights and legitimate interests in respect of the domain name because i)the Respondent is conducting an Internet business in Korea; ii)the Respondent has been actively using the disputed domain name for the Respondent’s blog address; iii)the Respondent has legitimately registered the disputed domain name; and iv)the disputed domain name is the Respondent’s beloved nick name.

The Panel notes that the Respondent failed to provide the Panel with any evidence showing that the disputed domain name is the Respondent’s beloved nick name. According to the screenshot of the WaybackMachine the Complainant submitted, the Panel notes that the Respondent had resolved the disputed domain name to a domain name sales page publicly showing that the purpose of registering the domain name was to sell the domain name. Another Screenshot History which the Complainant has provided to the Panel shows that the disputed domain name was resolved to a domain name sales page dated February 23, 2021, March 8, 2015, and September 15, 2013. The Panel notes that the screenshot of the disputed domain name’s resolving website dated March 8, 2015 and September 15, 2013 displays hyperlinks for the Complainant’s trademark “康宝莱” and other Chinese character brand products. The Panel observes that under Policy paragraph 4(b)(iv), using a disputed domain name to host parked pay-per-click links may be considered bad faith attraction for commercial gain. *See Red Hat, Inc. v. Haecke*, FA 726010 (Forum July 24, 2006) (finding that the respondent engaged in bad faith registration and use pursuant to Policy paragraph 4(b)(iv) by using the disputed domain names to operate a commercial search engine with links to the products of the complainant and to complainant’s competitors, as well as by diverting Internet users to several other domain names). Even the disputed domain name’s present resolving website the Respondent has provided to the Panel indicates a type of consulting services for furniture. However, it is considered that the disputed domain name is currently being used to divert Internet users to its website to promote its own consulting services. Such use does not qualify as a *bona fide* offering of goods or services, nor can it be a legitimate noncommercial or fair use under Policy paragraphs 4(c)(i) and (iii). *See j2 Global Canada, Inc. and Landslide Technologies, Inc. v. VIJAY S KUMAR / STRATEGIC OUTSOURCING SERVICES PVT LTD*, FA 1647718 (Forum Jan. 4, 2016) (finding that the disputed domain purports to offer for sale goods and services in the field of electronic marketing, which directly overlap with the

services covered by Complainant's registrations and offered by Complainant online, and therefore Respondent does not have rights or legitimate interests through its competing use).

As the Panel finds that the Respondent has failed to rebut the *prima facie* case against it, it concludes that the Respondent has no rights or legitimate interests in the disputed domain name.

### **C) Bad Faith**

The Complainant argues that the Respondent registered and used the disputed domain name in bad faith. At the time of registration of the disputed domain name, the Respondent knew, or at least should have known, of the existence of the Complainant's trademark. The Complainant's group, Herbalife Nutrition Ltd. (hereinafter referred to as "Herbalife Nutrition") is a leading nutrition and weight management company in the world. Herbalife Nutrition's products for weight management, nutritional supplements, energy and fitness, and personal care are now available in more than 90 countries and regions. Herbalife Korea Co., Ltd. was founded in 1996, and Herbalife Nutrition officially started its business activities in the Republic of Korea in 1996. Furthermore, after searching through naver.com, a popular search engine in the Republic of Korea, it is found some media have reported Herbalife's early business activities, which could even be traced as early as 2004. Based on the above information, it can be seen that Herbalife Nutrition has accumulated high reputation and influence in China, Republic of Korea, and across the world. Inevitably, the brand "康宝莱" has gained certain popularity as well, since the brand "康宝莱" has formed a unique corresponding relationship with the Complainant. The Complainant has provided the Panel with NAVER search results to confirm this relation.

The Panel is of the view that actual knowledge of a complainant's rights in a mark may be shown by evidence such as the fame of the mark and the use the respondent makes of the mark under paragraph 4(a)(iii) of the Policy. *See Google Inc. v. Ahmed Humood*, FA1411001591796 (FORUM Jan. 7, 2015) ("This Panel makes that inference; Respondent has actual knowledge of Complainant's mark at the time of domain name registration based on the fame of Complainant's GOOGLE mark and Respondent's use of one of the disputed domain names to detail Internet domain name registration and maintenance services related to and in competition with Complainant."). The Panel infers, due to the notoriety of Complainant's mark and the manner of use of the disputed domain name (hosting a website displaying hyperlinks for 康宝莱 products) that the Respondent had actual knowledge of the Complainant's mark before registering the disputed domain name, and it finds that the Respondent registered and uses the disputed domain name in bad faith under paragraph 4(a)(iii) of the Policy.

The Complainant further contends that the Respondent had resolved the disputed domain name to a domain name sales page publicly showing that the purpose of registering the domain name was to sell the domain name. The screenshot which the Complainant has provided to the Panel shows that the disputed domain name was resolved to a domain name sales page dated February 23, 2021, March 8, 2015, and September 15, 2013. The Panel notes that offering a disputed domain name for sale generally can demonstrate bad faith per Policy paragraph 4(b)(i). The Panel finds that the disputed domain name has been offered for sale generally for a sum in excess of likely costs of registration. In light of the notoriety of the Complainant's mark and the manner of use of the disputed domain name (hosting a website displaying hyperlinks for 康宝莱 products), the Panel also finds that the Respondent's

offering the disputed domain name for sale amounts to registration and use in bad faith under the Policy. *See Airbnb, Inc. v. Super Privacy Service LTD c/o Dynadot*, FA 1821386 (Forum Jan. 10, 2019) (“Complainant argues that Respondent registered and uses the <airbnb.com> domain name in bad faith by offering it for sale. The panel agrees and finds that Respondent registered and uses the disputed domain name in bad faith under Policy ¶ 4(b)(i).”); *see also Diners Club Int’l Ltd. v. Domain Admin\*\*\*\*\*It’s all in the name\*\*\*\*\**, FA 156839 (Forum June 23, 2003) (finding that when the domain name itself notes that it is “available for lease or sale,” evidence that the domain name was registered and used in bad faith pursuant to Policy paragraph 4(b)(i) can be inferred from the fact that “the sole value of the [<www.dinersclub.com>] domain name is dictated by its relation to the complainant’s registered DINERS CLUB mark).

The Panel notes that the screenshot of the disputed domain name’s resolving website dated March 8, 2015 and September 15, 2013 displays hyperlinks for the Complainant’s trademark "康宝莱" and other Chinese character brand products. The Panel observes that under Policy paragraph 4(b)(iv), using a disputed domain name to host parked pay-per-click links may be considered bad faith attraction for commercial gain. *See Red Hat, Inc. v. Haecke*, FA 726010 (Forum July 24, 2006) (finding that the respondent engaged in bad faith registration and use pursuant to Policy paragraph 4(b)(iv) by using the disputed domain names to operate a commercial search engine with links to the products of the complainant and to complainant’s competitors, as well as by diverting Internet users to several other domain names).

The disputed domain name’s present resolving website the Respondent has provided to the Panel indicates a type of consulting services for furniture. However, it is considered that the disputed domain name is currently being used to divert Internet users to its website to promote its own consulting services. This website appears to have been improvised by the Respondent after the Complainant filed the Complaint. The Panel finds that such a use of the disputed domain name constitutes bad faith registration and use of the disputed domain name. Such use may qualify as bad faith attraction to commercial gain under Policy paragraph 4(b)(iv). *See CAN Financial Corporation v. William Thomson / CNA Insurance*, FA1401001541484 (Forum Feb. 28, 2014) (finding that the respondent had engaged in bad faith under Policy ¶ 4(b)(iv), by using a confusingly similar domain name to attract Internet users to its own website where it sold competing insurance services).

Taking into account all of the above, the Panel concludes that the Respondent registered and used the disputed domain name in bad faith under paragraph 4(a)(iii) of the Policy.

### **Reverse Domain Name Hijacking**

The Respondent alleges that the Complainant has acted in bad faith and is engaging in reverse domain name hijacking by initiating this dispute. The Respondent contends that the Complainant is attempting to deprive the Respondent, the rightful registered holder of <kangbaolai.com>, of its rights to use the disputed domain name. Aside from a conclusory statement in the Response, the Respondent makes no further contentions as to the Complainant’s reverse domain name hijacking. Since the Panel notes that the Complainant has satisfied all of the elements of Policy paragraph 4(a), it finds that the Complainant has not engaged in reverse domain name hijacking. *See World Wrestling Fed’n Entm’t, Inc. v. Ringside Collectibles*, D2000-1306 (WIPO Jan. 24, 2001) (“Because Complainant has satisfied [all of] the elements of the Policy, Respondent’s allegation of reverse domain name hijacking must fail”); *see also Gallup, Inc. v. PC+s.p.r.l.*, FA 190461 (Forum Dec. 2, 2003) (finding no reverse domain name hijacking where complainant prevailed on the “identical/confusingly similar” prong of the Policy); *see also Securian Financial Group, Inc.*

*v. me s / enom*, FA1595614 (FORUM Jan. 16, 2015) (denying request for reverse domain name hijacking where Complainant satisfied all elements of Policy paragraph 4(a)).

## 8. Decision

Having established all three elements required under the ICANN Policy, the Panel concludes that relief shall be **GRANTED**.

Accordingly, it is Ordered that the domain name <**kangbaolai.com**> be **TRANSFERRED** from the Respondent to the Complainant.



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Ho Hyun Nahm, Esq.  
Panelist

Dated: June 21, 2021