



Asian Domain Name Dispute Resolution Centre

seoul

(Seoul Office)

ADMINISTRATIVE PANEL DECISION

Case No. KR-2200238

Complainant: Woori Bank Co., Ltd.

(Authorized Representative for Complaint : DR & AJU LLC)

Respondent: hys

Disputed Domain Name(s): woorifinancecoin.com

1. The Parties and Contested Domain Name

The Complainant is Woori Bank Co., Ltd., Republic of Korea.

The Respondent is hys, US.

The domain name at issue is 'woorifinancecoin.com', registered with NameSilo.

2. Procedural History

The Complaint was filed with the Seoul Office of the Asian Domain Name Dispute Resolution Center (ADNDRC)[“Center”] on September 26, 2022, seeking for a transfer of the domain name in dispute.

On September 26, 2022, the Center sent an email to the Registrar asking for the detailed data of the registrant. On September 26, 2022, NameSilo 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 Centre formally notified the Respondent of the Complaint. The proceedings commenced on September 27, 2022 and the due date for the Response was October 17, 2022. No Response was filed by the due date.

On October 24, 2022, the Center appointed Mr. Dae-Hee 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 of this case in a legitimate way.

3. Factual background

The Complainant provides financial services using several service marks including <WOORI Finance> which is included in the disputed domain name. In addition to <WOORI Finance> (Korea Registration No. 410094999 & 410094996, Registered 2003.12.24.), the Complainant owns service marks such as <WOORI FINANCIAL GROUP>(Korea Registration No. 410096317, Registered 2004.1.27.), <WOORI FINANCE HOLDINGS CO., LTD.> (Korea Registration No. 410096323, Registered 2004.1.27.), and <WOORI FINANCIAL> (US No. 3862315, Registered 2010.10.19.). They are all related to financial services, and they are the same as or very similar to < WOORIFINANCE> comprising the disputed domain name.

The disputed domain <woorifinancecoin.com> was registered on June 1, 2022. The website using the disputed domain name is providing virtual asset-related information. The Respondent and the website have no affiliation with the Complainant.

4. Parties' Contentions

A. Complainant

The Complainant contends that (i) the disputed domain name is identical or confusingly similar to the Complainant's registered service marks in which the Complainant has rights, (ii) The Respondent is irrelevant to the Complainant and does not have any rights or interests in respect of the disputed domain name which includes the Complainant's service mark, and, (iii) the disputed domain name has been registered and is being used in bad faith.

Specifically, the Complainant contends that the disputed domain name is composed of the Complainant's mark "WOORI FINANCE" to which the word "coin" is added, that the Respondent is causing confusion to customers by using the same sign as the CI of Woori Financial Group (holding company of the Complainant), and that the disputed domain name was registered only 3 months ago, 20 years after the registered service marks were applied.

B. Respondent

The Respondent did not reply to the Complaint.

5. Findings

If the Complainant is to succeed, it must prove each of the three elements referred to in paragraph 4(a) of the Policy, namely that:

(i) the disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights; and

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) the disputed domain name has been registered or is being used in bad faith.

The Panel will proceed to establish whether the Complainant has discharged the burden of proof in respect of each of the three elements referred to in paragraph 4(a) of the Policy.

A. Identical or Confusingly Similar

The Panel must first determine whether the disputed domain name <woorifinancecoin.com> is identical or confusingly similar to the Complainant's mark in which the Complainant has rights. The disputed domain name <woorifinancecoin.com> incorporates in its entirety the Complainant's mark <WOORI Finance>.

Where a domain name incorporates the Complainant's mark in its entirety, it is sufficient to establish that the domain name is identical or confusingly similar to the mark for purposes of the Policy. Furthermore, where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise), "coin" in this case, would not prevent a finding of confusing similarity under the first element.

While the generic top level domain (gTLD) ".com" is added to the disputed domain name, it is viewed as a standard registration requirement and as such is disregarded under the first element. Since the suffix gTLD is not taken into consideration in the comparison of similarity between the Complainant's mark and the disputed domain name, the Panel is satisfied that the gTLD ".com" does not serve to distinguish the disputed domain name from the Complainant's mark.

For the foregoing reasons, the Panel finds that the disputed domain name is identical, or confusingly similar, to the Complainant's mark in which the Complainant has rights, and concludes that paragraph 4(a)(i) of the Policy has been satisfied.

B. Rights or Legitimate Interests

The Complainant is required to make out an initial prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. Once such a prima facie case is made, the Respondent carries the burden of producing evidence establishing that it has rights or legitimate interests in the disputed domain name. If the Respondent fails to come forward with such relevant evidence, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

If the Complainant shows that the disputed domain name is identical or confusingly similar to the Complainant's trademark, that the Respondent is not commonly known by the disputed domain name, or that the Complainant has not authorized the Respondent to use the mark, it is generally regarded as a prima facie evidence.

Since the Complainant showed that the Respondent does not have the relevant trademark in relation to the disputed domain name, is not widely recognized as a disputed domain name, and has not properly used the disputed domain name, the Panel finds that the Complainant has made a prima facie case that the Respondent does not have any rights or legitimate interests in the disputed domain name.

The Panel notes that the disputed domain name is identical or confusingly similar to the Complainant's mark <WOORI Finance>. The Panel accepts Complainant's contentions that the Respondent does not hold the relevant trademark in relation to the disputed domain name, is not widely recognized as a disputed domain name, and has not properly used the disputed domain name. The Panel is therefore satisfied that the Complainant has made a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name.

Since such a prima facie case is made, the burden of production shifts to the Respondent to come forward with appropriate allegations or evidence demonstrating

rights or legitimate interests in respect of the disputed domain name. However, the Respondent did not reply to the Complaint, and has not rebutted the prima facie case. Consequently, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and accordingly concludes that paragraph 4(a)(ii) of the Policy has been satisfied.

C. Registered and Used in Bad Faith

The Panel notes that the Complainant's mark had been registered much earlier than the date the Respondent registered the disputed domain name, that the Complainant is a well-known bank, and that the Complainant is widely known worldwide in the financial sector. The fact that the Complainant is well known in the financial field indicates that the Complainant's mark had also been well-known before the registration of the disputed domain name. The Panel is willing to infer that the Respondent had actual knowledge of the Complainant's mark when it registered the disputed domain name, and that it has registered the disputed domain name in bad faith.

Paragraph 4(b) of the Policy illustrates evidence of the registration and use of a domain name in bad faith. According to paragraph 4(b)(iv), if the Respondent has intentionally attempted to attract, for commercial gain, internet users to the Respondent's website or other on-line location, 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, it shall be evidence of the registration and use of a domain name in bad faith. The Respondent is, through the website to which is resolved through the disputed domain name, currently providing similar services to Complainant's, and is using the same logo as Complainant's at the website. The Panel finds that the Respondent is creating a likelihood of confusion with the Complainant's mark. Furthermore, registration of a domain name which is identical to the the Complainant's mark may be, in and of itself, evidence of bad faith.

Based on those findings, together with the finding in paragraph 4(a)(ii) discussed previously that the Respondent has no rights or interests in the disputed domain name, the Panel concludes that the disputed domain name has been registered and used by the Respondent in bad faith, and accordingly that paragraph 4(a)(iii) of the Policy has been satisfied.

6. Decision

For all 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 <woorifinancecoin.com> be transferred to the Complainant.



Dae-Hee Lee

Sole Panelist

Dated: November 3, 2022