

## **ADMINISTRATIVE PANEL DECISION**

Coupang Corp. v. Jinsoo Lee  
Case No. D2022-4936

### **1. The Parties**

The Complainant is Coupang Corp., Republic of Korea, represented by Demys Limited, United Kingdom.

The Respondent is Jinsoo Lee, Republic of Korea.

### **2. The Domain Name and Registrar**

The disputed domain name <coupantravel.com> is registered with TurnCommerce, Inc. DBA NameBright.com.

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 22, 2022. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 2, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Private Registration, NameBrightPrivacy.com) and contact information in the Complaint.

The Center sent an email communication to the Complainant on January 3, 2023 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on January 4, 2023.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on January 6, 2023. In accordance with the Rules, paragraph 5, the due date for Response was January 26, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 31, 2023.

The Center appointed Ho-Hyun Nahm as the sole panelist in this matter on February 7, 2023. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

#### **4. Factual Background**

The Complainant, Coupang Corp., is an e-commerce company based in Seoul, Republic of Korea. The Complainant was founded in 2010 and is one of the largest online marketplaces in the Republic of Korea, with its operations expanding in Japan and Taiwan. At the end of 2021, the Complainant had almost 9 million subscribers to its “Rocket WOW” service which offers the Complainant’s customers benefits, such as quicker delivery, free delivery, and easier returns. In the same year the Complainant achieved more than USD 18 billion total net revenue.

The Complainant’s principal domain name is <coufang.com>.

The Complainant is the proprietor of a global portfolio of trademarks for the term COUPANG.

The disputed domain name was registered on May 13, 2021. The disputed domain name resolves to the registration service provider’s default parking page.

#### **5. Parties’ Contentions**

##### **A. Complainant**

i) The disputed domain name is identical or confusingly similar to a name or mark in which it has rights in terms of the Policy. The Complainant is the proprietor of a global portfolio of trademarks for the term COUPANG, *inter alia*, Reg. No. 4102241960000 registered on January 3, 2012, in the Republic of Korea; International Reg. No. 1303695 registered on May 2, 2016; and Reg. No. 801303695 registered on December 30, 2016, in the United Kingdom. The disputed domain name incorporates the Complainant’s COUPANG mark in its entirety, with the addition of the English dictionary word “travel”. The Complainant’s COUPANG mark is first and most prominent element in the disputed domain name and that the addition of the adornment “travel” does nothing to distinguish the disputed domain name from the Complainant’s mark.

ii) The Respondent does not have any rights or legitimate interests in the disputed domain name. The Complainant has found no evidence that the Respondent has been commonly known as “Coupang” or “Coupang travel” prior to or after the registration of the disputed domain name. The Respondent is not a licensee of the Complainant and has not received any permission or consent from the Complainant to use its name or mark. The Complainant has found no evidence that the Respondent owns any trademarks incorporating the terms “Coupang” or “Coupang travel”. Non-use of the disputed domain name constitutes passive holding and so the disputed domain name has not been used in connection with a *bona fide* offering of goods or services.

iii) The disputed domain name was registered and is being used in bad faith. The passive holding of the disputed domain name constitutes bad faith as it incorporates the Complainant’s distinctive and well-known mark and for other circumstances. The presence of “MX” and “SPF” records indicates that the disputed domain name may have been registered for unlawful purposes, therefore eliminating any good faith use to which the disputed domain name may be put.

##### **B. Respondent**

The Respondent did not reply to the Complainant’s contentions.

## 6. Discussion and Findings

Paragraph 4(a) of the Policy provides that, to obtain transfer of a domain name, a complainant must prove each of the following:

- (i) the domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- (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. Identical or Confusingly Similar

The Complainant claims that it is the proprietor of a global portfolio of trademarks for the term COUPANG, *inter alia*, Reg. No. 4102241960000 registered on January 3, 2012, in the Republic of Korea; International Reg. No. 1303695 registered on May 2, 2016; and Reg. No. 801303695 registered on December 30, 2016, in the United Kingdom. Where a 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 [WIPO Overview 3.0](#), section 1.2. Therefore, the Panel finds that the Complainant has established rights in the mark COUPANG.

Next, the Complainant contends that the disputed domain name incorporates the Complainant's COUPANG mark in its entirety, with the addition of the English dictionary word "travel"; that the Complainant's COUPANG mark is first and most prominent element in the disputed domain name; and that the addition of the adornment "travel" does not prevent a finding of confusingly similarity to the Complainant's mark.

The Panel notes that the disputed domain name incorporates the Complainant's COUPANG mark in its entirety, with the addition of the term "travel". Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element ([WIPO Overview 3.0](#), section 2.1).

The generic top-level domain ".com" should be disregarded for the purposes of comparison with the Complainant's name and mark. Therefore, the Panel finds that the disputed domain name is confusingly similar to the mark in which the Complainant has rights per paragraph 4(a)(i) of the Policy.

### B. Rights or Legitimate Interests

Where a complainant makes out a *prima facie* case that a respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name ([WIPO Overview 3.0](#), section 2.1). In such circumstances, if the respondent fails to come forward with evidence establishing rights or legitimate interests in the domain name, the complainant is deemed to have satisfied this element ([WIPO Overview 3.0](#), section 2.1).

The Complainant contends that the Respondent does not have any rights or legitimate interests in the disputed domain name. The Complainant has found no evidence that the Respondent has been commonly known as COUPANG, with or without the adornment found in the disputed domain name, prior to or after the registration of the disputed domain name. The Complainant has found no evidence that the Respondent owns any trademarks incorporating the terms COUPANG or COUPANG TRAVEL. Non-use of the disputed domain name constitutes passive holding and so the disputed domain name has not been used in connection with a *bona fide* offering of goods or services. The Panel agrees and finds that the passive holding of the disputed domain name does not constitute legitimate noncommercial or fair use of the disputed domain name.

Given the circumstances above, the Panel finds that the Complainant has made out a *prima facie* case that arises from the considerations above. All of these matters go to make out the *prima facie* case against the Respondent. As the Respondent has not filed a Response or attempted by any other means to rebut the *prima facie* case against it, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

### **C. Registered and Used in Bad Faith**

The Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant notes that at the point of submission the website associated with the disputed domain name is “passively held”. The Complainant has provided a screenshot of the disputed domain name’s resolving website. The Complainant asserts that such passive holding of the disputed domain name constitutes bad faith.

The Panel agrees that the passive holding of a domain name does not necessarily circumvent a finding that the domain name is being used in bad faith within the requirements of paragraph 4(a)(iii) of the Policy. See *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#) (finding that in considering whether the passive holding of a domain name, following a bad faith registration of it, satisfies the requirements of paragraph 4(a)(iii), the panel must give close attention to all the circumstances of the respondent’s behavior, and a remedy can be obtained under the Policy only if those circumstances show that the respondent’s passive holding amounts to acting in bad faith.)

The particular circumstances of this case that the Panel has considered are:

- i) the Complainant is one of the largest online marketplaces in the Republic of Korea, with its operations expanding in Japan and Taiwan. At the end of 2021, the Complainant had almost 9 million subscribers to its “Rocket WOW” service which offers the Complainant’s customers benefits, such as quicker delivery, free delivery and easier returns. In the same year the Complainant achieved more than USD 18 billion total net revenue. As such, the Complainant’s mark COUPANG is considered as being a well-known and reputable trademark; and
- ii) the Respondent did not respond to the Complainant’s letter and has therefore put forward no evidence of any contemplated good faith use.

Taking into account all of the above, the Panel concludes that the Respondent’s passive holding of the disputed domain name <coupantravel.com> constitutes bad faith under Policy, paragraph 4(a)(iii) and that the Respondent is using the disputed domain name in bad faith.

The Panel therefore concludes that the Respondent registered and used the disputed domain name in bad faith.

### **7. Decision**

For 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 <coupantravel.com> be transferred to the Complainant.

/Ho-Hyun Nahm/

**Ho-Hyun Nahm**

Sole Panelist

Date: February 21, 2023