

ADMINISTRATIVE PANEL DECISION

Kia America, Inc. v. Name Redacted
Case No. D2025-1643

1. The Parties

The Complainant is Kia America, Inc., United States of America (“United States”), represented by Buchalter PC¹, United States.

The Respondent is Name Redacted.²

2. The Domain Name and Registrar

The disputed domain name <kia-america.com> (the “Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 23, 2025. On April 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On April 24, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name that differed from the named Respondent (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 25, 2025, 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 April 30, 2025.

¹ The Complainant was previously represented by a different law firm. On June 11, 2025, after the preparation of the Decision but before its Notification, the Complainant’s representative informed the Center that it had moved to the law firm identified above and would continue handling this matter.

² The Respondent appears to have used the name of a third party and the Complainant’s physical address when registering the Domain Name. In light of this apparent identity theft, the Panel has redacted the Registrant’s name from this decision. The Panel has attached as Annex 1 to this decision an order to the Registrar regarding transfer of the Domain Name that includes the name of the Registrant disclosed by the Registrar. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding and has ordered that Annex 1 to this decision not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

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.

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint and the Amended Complaint, and the proceedings commenced on May 1, 2025. In accordance with the Rules, paragraph 5, the due date for a response was May 21, 2025. The Respondent did not submit a response. Accordingly, the Center notified the Respondent’s default on May 22, 2025.

The Center appointed A. Justin Ourso III as the panelist in this matter on May 27, 2025. 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, a well-known automotive company, sells a range of vehicles in the United States, and is a subsidiary of the well-known South Korean automotive company, Kia Corporation, which manufactures and sells vehicles globally in more than 170 countries. The Complainant, whose formal corporate name is Kia America, Inc., was incorporated in 1992 and conducts business under the trade name “Kia America.” Its parent has used its globally well-known KIA marks since at least as early as 1970.

The Complainant owns registrations for certain KIA-formative marks, and is the exclusive United States licensee of the other KIA marks owned by its parent, including United States trademark registration, No. 1,723,608, for its KIA trademark, issued on October 13, 1992, for passenger cars and other vehicles in International Class 12, and United States registration, No. 3,867,593 for its KIA+design figurative trademark, issued on October 26, 2010, for certain automobile components and parts in International Class 12, and other automotive goods and services in other classes.

The Complainant’s parent company owns the domain name <kia.com>, which was registered on December 11, 1996, and the Complainant’s main consumer-facing website in the United States is “www.kia.com” on which it offers automotive vehicles under its KIA mark to the public.

The Respondent, using a domain name privacy service, registered the Domain Name, on December 6, 2024, without any authorization from the Complainant. Prior to the filing of the Complaint, the Domain Name resolved to an error-message page, part of which read “This site can’t be reached” and then resolved to a parked web page at “www.kia-america.com/lander” that contained links featuring a competitive automotive brand and offered the Domain Name for sale. During the preparation of this Decision, the Domain Name again resolved to a parked web page at “www.kia-american.com/lander” that contained links featuring a competitive automotive brand, which in turn led to pages with pay-per-click (“PPC”) links to websites for competitive automotive brands.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name, which it requested.

Notably, the Complainant contends that its marks are well known and its rights are senior to the Respondent’s use of the Domain Name; the Respondent is not affiliated with the Complainant; and the Complainant has not licensed or otherwise permitted the Respondent to use its trademarks or any Domain Name incorporating them, which the Complainant contends establishes a prima facie case that the

Respondent has no rights or legitimate interests in the Domain Name. The Complainant also contends that the Domain Name is misleading and intentionally diverts Internet users seeking the Complainant's goods and services to the Respondent's passively held parked website, in bad faith, in a deliberate attempt to deceive, and that the Respondent exhibited bad faith in attempting to imitate the Complainant by using as its address in the Domain Name registration the address of the Complainant's headquarters in the United States.

B. Respondent

The Respondent did not submit a response to the Amended Complaint.

6. Discussion and Findings

A complainant must prove three elements to obtain relief: (i) the domain name is identical or confusingly similar to a trademark in which the complainant has rights; (ii) the respondent has no rights or legitimate interests in the domain name; and (iii) the respondent registered and is using the domain name in bad faith. Policy, paragraph 4(a).

A. Identical or Confusingly Similar

On the first element, a complainant must prove that (1) it has rights in a trademark and (2) the Domain Name is identical or confusingly similar to this trademark. Policy, paragraph 4(a)(i).

The Panel finds that the Complainant's and its licensor-parent's registrations establish the Complainant's trademark rights. [WIPO Overview 3.0](#), section 1.2.1.

The Domain Name incorporates the entire trademark, and the trademark is readily recognizable within the Domain Name, notwithstanding the addition of a hyphen and a geographically descriptive component, "america." The Panel finds that the Domain Name is confusingly similar to the trademark. [WIPO Overview 3.0](#), sections 1.7 and 1.8. Accordingly, the Panel concludes that the Complainant has proven the first element: the Domain Name is confusingly similar to a trademark in which it has rights.

B. Rights or Legitimate Interests

The Respondent has not claimed the existence of any circumstance under the Policy, paragraph 4(c), that demonstrates that a respondent has rights to, or legitimate interests in, a domain name. The Panel finds that the Complainant has shown that it established its trademark rights before the Respondent registered the Domain Name; the Complainant has not authorized the Respondent to use its trademark or to register the Domain Name; the Respondent is not commonly known by the Domain Name, indeed, the Registrar identified the Respondent with a Registrant Name and a Registrant Organization, neither of which resembles the Domain Name; the record contains no evidence that the Respondent owns a trademark registration for the Domain Name or operates a legitimate business under the Domain Name; and the Respondent is using the Domain Name to operate a web page with links featuring a competitive automotive brand, which in turn lead to pages with PPC links to web sites for competitive automotive brands, which is not a bona fide commercial use, a legitimate noncommercial use, or a fair use of the Domain Name. [WIPO Overview 3.0](#), sections 2.5 and 2.9. This record constitutes prima facie a showing that the Respondent lacks any rights or legitimate interests in the Domain Name under the Policy, paragraph 4(a)(ii), shifting the burden of production on this second element to the Respondent to come forward with relevant evidence proving rights or legitimate interests in the Domain Name. [WIPO Overview 3.0](#), section 2.1. The Respondent has not submitted any evidence to rebut the prima facie showing.

Accordingly, the Panel concludes that the Complainant has proven, and the evidence demonstrates, the second element: the Respondent lacks rights or legitimate interests in the Domain Name.

C. Registered and Used in Bad Faith

The Policy provides that the following circumstance is “evidence of the registration and use of a domain name in bad faith: [...] by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site [...], by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site [...]” Policy, paragraph 4(b)(iv).

The Complainant’s mark is a distinctive, well-known mark. Panels have consistently found that the mere registration of a domain name that is confusingly similar to a well-known trademark by an unaffiliated entity can create a presumption of bad faith, which here is unrebutted by the Respondent. [WIPO Overview 3.0](#), section 3.1.4.

The Panel finds that the composition of the Domain Name, namely, using the distinctive and well-known trademark KIA with a geographically descriptive term that makes the Domain Name virtually identical to the Complainant’s trade name, is a deliberate attempt to suggest an authorized association with the Complainant and its trademark, and demonstrates that the Respondent was aware of the Complainant and its well-known trademark before the Respondent registered the Domain Name. The Respondent’s use of the Complainant’s physical address when registering the Domain Name corroborates the Respondent’s prior knowledge of the Complainant.

The Panel finds that the Domain Name resolves to a landing page with links featuring a competitive automotive brand, which in turn lead to pages with PPC links to web sites for competitive automotive brands. The Panel finds this conclusive evidence that the Respondent is using the Domain Name to attract, misleadingly and deceptively, customers and potential customers of the Complainant for the Respondent’s commercial gain. Policy, paragraph 4(b)(iv); [WIPO Overview 3.0](#), sections 3.1.4, 3.2.1, and 3.2.2.

The findings above compel the Panel to conclude that the Respondent intentionally registered the Domain Name in bad faith to take unfair advantage of the Complainant’s trademark and that the Respondent is using the Domain Name in bad faith intentionally to attract Internet users to its site for commercial gain by creating a likelihood of confusion with the Complainant’s trademark as to the source of the goods and services offered through the Domain Name, in violation of the Policy, paragraph 4(b)(iv).

The Panel also finds that the Respondent used a privacy service, attempted to impersonate the Complainant by using the Complainant’s physical address and a third party’s name when it registered the Domain Name, and failed to respond to the Complaint, which support the conclusion of bad faith. [WIPO Overview 3.0](#), sections 3.2.1 and 3.6. Accordingly, the Panel concludes that the Complainant has proven, and the evidence demonstrates, the third element: the Respondent registered and is using the 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 Domain Name <kia-america.com> be transferred to the Complainant.

/A. Justin Ourso III/

A. Justin Ourso III

Panelist

Date: June 12, 2025