

## **ADMINISTRATIVE PANEL DECISION**

Ideas On Board Corp. v. luz mery garcia piedrahita  
Case No. D2025-3330

### **1. The Parties**

The Complainant is Ideas On Board Corp., Republic of Korea, represented by Marq Vision, Inc., United States of America (“United States”).

The Respondent is luz mery garcia piedrahita, Malta, represented by John Berryhill, Ph.d., Esq., United States.

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

The disputed domain name <concreted.com> is registered with Moniker Online Services, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 19, 2025. On August 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 21, 2025, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 21, 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 amendment to the Complaint on August 26, 2025.

The Center verified that the Complaint together with the amendment to the 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 August 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 20, 2025. The Respondent sent an email communication to the Center on August 26, 2025. On August 29, 2025, the Respondent requested a four-day extension to file a Response under paragraph 5(b) of the Rules, which the Center granted on the same day, setting a new due date for Response as September 20, 2025. The Response was filed with the Center on September 8, 2025.

On September 10, 2025, the Complainant requested that the Panel appointment be temporarily held off. On the same day, the Respondent objected. On September 11, 2025, the Complainant reiterated its request. On the same day, the Center notified the Parties that the Rules do not provide for a mechanism to pause the Panel appointment.

The Center appointed Andrea Mondini as the sole panelist in this matter on September 12, 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.

On September 23, 2025, the Center received a supplemental filing from the Complainant. On the same day, the Respondent filed an objection.

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

The Complainant was established in 2023 and is headquartered in the Republic of Korea. It is active in the fragrance and lifestyle market and released three perfumes under the brand CONCRETED.

The Complainant owns a trademark registration for the trademark CONCRETED in International Class 3 in the Republic of Korea (reg. no. 4021548570000) which was registered on February 15, 2024.

The Complainant holds the domain name <concreted.kr> which hosts its main website.

The disputed domain name was originally created on February 18, 2000.

The Respondent and her husband acquired the disputed domain name in 2011 and used it in the past for a website relating to concrete materials.

According to the evidence submitted with the Complaint, the disputed domain name currently resolves to a broker's website offering it for sale.

#### **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 disputed domain name.

Notably, the Complainant contends as follows:

The Complainant's perfumes, which were launched under the brand CONCRETED, have been featured on Fragrantica, one of the most authoritative online fragrance databases worldwide, thus showing that they have garnered notable recognition within the fragrance community worldwide.

The disputed domain name is identical or confusingly similar to the trademark in which the Complainant has rights, because it incorporates this trademark in its entirety, and the addition of the generic Top-Level Domain ".com" is not sufficient to prevent a finding of confusing similarity.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The trademark CONCRETED has been extensively used to identify the Complainant and its products. The Respondent has not acquired any trademark rights. The Respondent has not been authorized by the Complainant to use this trademark and is not commonly known by the disputed domain name. The Respondent does not use the disputed domain name for a bona fide offering of goods or services. On the contrary, the disputed domain name is being used solely for the purpose of offering it for sale.

The disputed domain name was registered in bad faith because it is obvious that the Respondent had, or should have had, knowledge of both the Complainant and its well-known trademark CONCRETED at the time it registered the disputed domain name.

The Respondent is using the disputed domain name in bad faith by listing it for sale and by concealing the Respondent's identity.

In its supplemental filing of September 23, 2025, the Complainant further stated that it is well established in UDRP Panel decisions that an offer to sell the disputed domain name, or even an indication on the website that it is for sale, is sufficient to establish bad faith under the Policy.

## **B. Respondent**

The Respondent contends as follows:

The Respondent and her husband owned the disputed domain name for more than a decade.

The registration of the disputed domain name as early as 2011 cannot have been undertaken in bad faith, considering that the Complainant was established in 2023 and its trademark was registered in 2024.

The disputed domain name consists of a common word or phrase, and the Respondent registered and used it in the past for a website relating to concrete and concrete resources, as shown by a print-screen of the Internet Archive for February 2011.

Offering for sale a non-distinctive domain name does not constitute illegitimate use. Moreover, the Complainant ignores that the disputed domain name was offered for sale by the broker in question already in 2022, i.e. more than one year before the Complainant was established. Moreover, the Complainant had filled out the broker's contact form, triggering a response from the broker quoting a price of USD 5,900. The Complainant refused that price as too high and stated that it did not have immediate need for the disputed domain name at that moment.

## **6. Discussion and Findings**

According to paragraph 4(a) of the Policy, in order to succeed, a complainant must establish each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to the trademark or service mark in which the complainant has rights;
- (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 and is being used in bad faith.

### **6.1 Supplemental Filings**

In its supplemental filing of September 23, 2025, the Complainant further stated that it is well established in UDRP Panel decisions that an offer to sell the disputed domain name, or even an indication on the website that it is for sale, is sufficient to establish bad faith under the Policy. The Complainant had already made this argument in its Complaint and has not explained any exceptional circumstances to support the supplemental filing. The Panel therefore will not consider this supplemental filing. In its reply of the same date, the Respondent objected to the Complainant's supplemental filing, in particular that the Complainant's representative submits correspondence in this matter which is unsigned and does not originate with the Complainant's authorized counsel in this matter. As the Panel has not accepted the Complainant's supplemental filing, the Panel need not further consider the Respondent's objection.

## **6.2 Substantive Issues**

### **A. Identical or Confusingly Similar**

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the entirety of the mark is reproduced within the disputed domain name.

The addition of the generic Top-Level Domain ("gTLD") ".com" in the disputed domain name is a standard registration requirement and as such may be disregarded under the confusing similarity test under the Policy, paragraph 4(a)(i). [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds the first element of the Policy has been established.

### **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that for a complainant to prove that a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the 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 (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

The Panel finds that the Respondent has rights or legitimate interests in the disputed domain name because it registered it before the Complainant was established and before it registered its trademark. Moreover, the Respondent has shown that it used the disputed domain name in 2011 for a website relating to concrete and concrete resources.

Based on the available record, the Panel finds the second element of the Policy has not been established.

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

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

The fact that the Respondent registered the disputed domain name before the Complainant registered its trademark, and even before the Complainant was established, also undermines the Complainant's assertion that the disputed domain name was registered in bad faith. Moreover, offering a domain name for sale that consists of a dictionary term and does not target the Complainant's trademark, does not constitute use in bad faith.

Based on the available record, the Panel finds that the Complainant has not established the third element of the Policy with regard to the disputed domain name.

#### **D. Reverse Domain Name Hijacking**

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking (“RDNH”) or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the complaint is not, on its own, sufficient to constitute reverse domain name hijacking. [WIPO Overview 3.0](#), section 4.16.

As explained above, given that the Complainant was established and registered its trademark many years after the Respondent registered the disputed domain name, there could not have been bad faith registration nor use in bad faith by targeting the Complainant’s trademark. That means that the Complaint was doomed to failure. This issue is not close or subject to ambiguity: both the Policy and the [WIPO Overview 3.0](#) make it clear that bad faith only can be found if the Respondent acted in bad faith towards the Complainant and its trademark rights. Accordingly, the Panel finds that the Complaint was brought in bad faith and constitutes an attempt at RDNH.

#### **7. Decision**

For the foregoing reasons, the Complaint is denied. Moreover, the Panel finds that the Complaint has been brought in bad faith and constitutes an attempt at Reverse Domain Name Hijacking.

*/Andrea Mondini/*

**Andrea Mondini**

Sole Panelist

Date: September 24, 2025