

ADMINISTRATIVE PANEL DECISION

Dr. Dongjin Kim v. Privacy Department, IceNetworks Ltd
Case No. D2026-0286

1. The Parties

The Complainant is Dr. Dongjin Kim, United States of America (“United States”), represented by Minc LLC, United States.

The Respondent is Privacy Department, IceNetworks Ltd, Iceland. Note however the Response in this case is filed by an individual identified as Daniel Kim who is the apparent underlying registrant of the domain name at issue. The Panel will proceed on the basis that Mr. Kim is the Respondent.

2. The Domain Name and Registrar

The disputed domain name <nexendentalstudioinsights.com> (the “Disputed Domain Name”) is registered with Internet Domain Service BS Corp (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 23, 2026. On January 26, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 20, 2026, 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 (Host Master) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 23, 2026, 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 February 25, 2026.

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 February 26, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 18, 2026. The Response was filed with the Center on March 17, 2026.

The Center appointed Nick J. Gardner as the sole panelist in this matter on April 7, 2026. 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 April 13, 2026, the Center issued a Procedural Order (the "Procedural Order") in the following terms:

"On a review of the submitted material it appears to the Panel that if what the Respondent says is factually correct then:

- (a) the parties have previously been in dispute in harassment proceedings before the Superior Court of California, County of Orange;
- (b) in the course of those proceedings the parties have agreed a stipulation which expressly permits the Respondent to maintain the website linked to the disputed domain name but shall not add any new material or modify any material already posted;
- (c) since that stipulation was agreed Respondent has not added any new material to his website or modified any material already posted.

The Panel upon said factual background, invites the Complainant to:

1. File a Reply addressing the above issues and explain in more detail why it is he says the Respondent's continued publication of the website in question constitutes use in bad faith of the disputed domain name; and
2. Explain why he stated in the Complaint 'N/A' to the section 'Other Legal Proceedings' which is directed at UDRP Rules Paragraph 3(b)(xi)) which state that the complaint should 'identify any other legal proceedings that have been commenced or terminated in connection with or relating to any of the domain name(s) that are the subject of the complaint'."

The Complainant shall provide his submission no later than April 18, 2026. The Respondent is invited to comment on the content of this submission until April 23, 2026. The Parties submissions should be limited to the issues listed above.

Finally, the Panel extends the due date to issue the Decision until April 28, 2026.

The Complainant filed its submission in response to the Procedural Order on April 17, 2026, and the Respondent submit his on April 22, 2026.

4. Factual Background

The Complainant, Dr. Dongjin Kim is a dentist who owns and operates a dental practice known as Nexen Dental Studio, located in Huntington Beach, California, United States. The Complainant asserts registered trademark rights in the mark NEXEN DENTAL STUDIO. The Panel notes that the Complainant has not identified the trademark in question by number, nor has it provided a copy of the trademark.

The Disputed Domain Name was registered on November 27, 2024. It resolves to an active website that, contains content in Korean and in English. The website's header reads "Nexen Dental Studio Insights" and the homepage prominently displays text identifying "Don Kim" by name and making a series of highly personal allegations against him. The website includes photographs identified as being of the Complainant and invites visitors to contact the site operator. The website identifies its author as "DJ Kim" with a contact email address and is dated 29 November 2024. The website carries a footer disclaimer stating that it is not owned, operated or affiliated with NexenDentalStudio.com.

Prior to the commencement of these proceedings, the parties have been involved in civil litigation in the United States. The Respondent's exhibits include a court document described as a court-supervised Stipulation Agreement entered into in or around January 2025. Paragraph 8 of that agreement states: "[the Respondent] may leave his website postings but should not add any new postings or modify what is already posted." The full extent and current status of these court proceedings is not before this Panel.

5. Parties' Contentions

A. Complainant

The Complainant contends that the Disputed Domain Name is confusingly similar to the registered trademark NEXEN DENTAL STUDIO, in which the Complainant holds rights, as the domain name incorporates that mark in its entirety with the addition only of the term "insights" and the generic top-level domain ".com".

The Complainant further contends that the Respondent has no rights or legitimate interests in the Disputed Domain Name. The Complainant has not authorised, licensed or otherwise permitted the Respondent to use the NEXEN DENTAL STUDIO trademark or to register a domain name incorporating that mark. The Respondent is not commonly known by the domain name and has no trademark or service mark rights in any element of the Disputed Domain Name. The use of the Disputed Domain Name to host a website containing defamatory content about the Complainant and his dental practice does not constitute a bona fide offering of goods or services, nor legitimate noncommercial or fair use.

The Complainant contends that the Disputed Domain Name was registered and is being used in bad faith pursuant to paragraph 4(b)(iii) and 4(b)(iv) of the Policy. The Disputed Domain Name was registered incorporating the Complainant's trademark after the Complainant had established rights in that mark, with the purpose of disrupting the Complainant's business and tarnishing his trademark. The website hosted at the Disputed Domain Name contains defamatory statements about the Complainant, including false allegations designed to harm the Complainant's professional reputation and business relationships. The Respondent has allegedly distributed this content to approximately 100 dental offices and clients associated with the Complainant's practice. The Complainant further contends that the use of privacy services to conceal the Respondent's identity, and the alleged violation of a court-supervised Stipulation Agreement prohibiting certain online activities regarding the Complainant, further evidence bad faith.

B. Respondent

The Respondent denies that the Disputed Domain Name was registered or used in bad faith and asserts that he has a legitimate interest in maintaining the website associated with it. The Respondent states that the Disputed Domain Name and the associated website were the subject of a court-supervised Stipulation Agreement entered into in January 2025, which expressly permitted the continued existence of the website postings, subject to a prohibition on adding new content or modifying existing content. The Respondent relies on Paragraph 8 of that agreement, which he quotes as stating: "[the Respondent] may leave his website postings but should not add any new postings or modify what is already posted."

The Respondent further contends that the website is noncommercial, does not sell goods or services, does not generate advertising revenue and is not offered for sale. The Respondent asserts that the Complainant, having expressly agreed to the continued presence of the website, cannot now characterise the same as bad faith registration or use. The Respondent requests that the Complaint be denied in its entirety.

6. Discussion and Findings

Filings Pursuant to the Procedural Order

Both parties submitted filings pursuant to the Procedural Order. The Panel does not find it necessary to set out the detail of those filings. In essence it is clear from those filings that there is no dispute that there have been court proceedings as alleged by the Respondent, and those involve a Stipulation Agreement agreed by the parties in the form described above. The Complainant says the Respondent is in breach of that agreement. The Respondent denies that is the case.

The Complainant goes on to provide an explanation as to why it was the Complaint stated “N/A” to the section asking for details of “Other Legal Proceedings”.

Substantive Matters

To succeed, in accordance with paragraph 4(a) of the Policy, the Complainant must satisfy the Panel that:

(i) the Disputed Domain Name is identical with 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 Disputed Domain Name;

(iii) the Disputed Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant says “‘NEXEN DENTAL STUDIO’ is a registered trademark owned by the Complainant”. No details of any registered trademark are provided. The Panel has carried out an online search at the United States Patent and Trademark Office and failed to locate any such registered trademark. The Panel concludes the Complainant has failed to establish the existence of this trademark.

The Complainant also says that he has unregistered trademark rights. He says “[t]he Complainant has operated Nexen Dental Studio commercially and built reputation in the NEXEN DENTAL STUDIO name through his dental practice and business operation”. This conclusory statement is not supported by any evidence.

As noted in WIPO Overview of WIPO Panel Views on Select UDRP Questions ([“WIPO Overview 3.1”](#)) at section 1.3:

“To establish unregistered or common law trademark rights for purposes of the UDRP, the complainant must show that its mark has become a distinctive identifier which consumers associate with the complainant’s goods and/or services.

Relevant evidence demonstrating such acquired distinctiveness (also referred to as secondary meaning) includes a range of factors such as (i) the duration and nature of the use of the mark (which may include social media presence and engagement), (ii) the amount of sales under the mark and during which time period, (iii) the nature and extent of advertising using the mark – including evidence of expenditures over a relevant time period, (iv) the degree of actual public (e.g., consumer, industry such as trade and professional associations, media) recognition, and (v) consumer surveys. The fact that a respondent is shown to have been targeting the complainant’s mark (e.g., based on the manner in which the mark is used on the related website or impersonating documents or other instruments) may also support the complainant’s assertion and evidence that its mark has achieved significance as a source identifier.”

And

“Specific evidence including for example documented evidence of figures relating to sales, marketing, and/or social media endorsements supporting assertions of acquired distinctiveness should be included in the complaint; conclusory allegations of unregistered or common law rights, even if undisputed in the particular UDRP case, would not normally suffice to show secondary meaning.”

The Panel notes that the Complainant failed to provide any evidence that demonstrated that the trademark has acquired distinctiveness. Therefore, it falls well short of establishing the existence of unregistered trademark rights.

Accordingly the Panel finds that the Complainant has failed to establish any applicable trademark rights and hence the first condition of paragraph 4(a) of the Policy has not been fulfilled.

B. Rights or Legitimate Interests

Given the Panel’s findings on trademark rights (above) it is not necessary to determine this issue.

C. Registered and Used in Bad Faith

Given the Panel’s findings on trademark rights (above) it is not necessary to determine this issue.

7. Reverse Domain Name Hijacking

Paragraph 15(e) of the Policy 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 or was brought primarily 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.

In *Jazeera Space Channel TV Station v. AJ Publishing aka Aljazeera Publishing*, WIPO Case No. [D2005-0309](#), the majority of the three-member panel noted that the onus of proving that a complainant has acted in bad faith is on the respondent, and that mere lack of success of the complaint is not of itself sufficient to constitute reverse domain name hijacking. The majority went on to note that:

“Allegations of reverse domain name hijacking have been upheld in circumstances where a respondent’s use of a domain name could not, under any fair interpretation of the facts, have constituted bad faith, and where a reasonable investigation would have revealed the weaknesses in any potential complaint under the Policy (see *Goldline International, Inc v. Gold Line*, WIPO Case No. [D2000-1151](#)). See also *Deutsche Welle v. DiamondWare Limited*, WIPO Case No. [D2000-1202](#), where an allegation of reverse domain name hijacking was upheld in circumstances where the complainant knew that the respondent used the at-issue domain name as part of a bona fide business, and where the registration date of the at-issue domain name preceded the dates of the complainant’s relevant trademark registrations.”

The three-member panel in *Yell Limited v. Ultimate Search*, WIPO Case No. [D2005-0091](#) noted that whether a complainant should have appreciated at the outset that its complaint could not succeed will often be an important consideration.

Whilst the Panel has been able to determine this complaint on the basis that the Complaint has failed to establish the necessary trademark rights (see above) more generally in the view of the Panel this is a complaint that could not succeed.

The Policy is designed to address a specific and narrow category of abuse: cybersquatting, which broadly encompasses the bad-faith registration and use of domain names that are identical or confusingly similar to the trademarks of others. In the present case there is no dispute that there is a court-supervised Stipulation Agreement reached between the parties in or about January 2025, which directly addresses the Disputed Domain Name and the website content associated with it.

The Panel does not take any account of the Complainant's original failure to properly identify the earlier court proceedings in the Complaint and accepts this was inadvertent.

However it should have been obvious to the Complainant that the Panel would not be in a position, within the confines of a UDRP administrative proceeding, to interpret or enforce the terms of a United States court stipulation agreement, to determine whether its terms have been complied with, or to resolve the parties' competing characterisations of what was agreed and what the court intended. These are quintessentially matters for the court that supervised the agreement, or for another court of competent jurisdiction. A UDRP panel lacks the procedural tools, evidentiary mechanisms and legal authority to make such determinations.

The Panel further observes that in any event the underlying dispute in this case is plainly not one of conventional cybersquatting. The Respondent does not appear to have registered the Disputed Domain Name in order to sell it to the Complainant, to divert the Complainant's customers for commercial gain, to attract pay-per-click advertising revenue, or to engage in any of the paradigm forms of cybersquatting that the Policy was designed to address. Rather, on the evidence before this Panel, the Disputed Domain Name is being used by a person who has a personal grievance against the Complainant and who has deployed the Disputed Domain Name as a vehicle for what is, in substance, a targeted personal and reputational attack upon the Complainant as an individual. Whether such conduct gives rise to claims under defamation law, harassment, tortious interference or contempt of a court order are questions for the courts of the United States, not for a UDRP administrative panel. In all the circumstances the Panel concludes that it should have been obvious to the Complainant that the PRE-EXISTING dispute between the parties should be dealt with by a court with appropriate jurisdiction.

The Panel concludes that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding.

8. Decision

For the foregoing reasons, the Complaint is denied. The Panel finds that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding.

/Nick J. Gardner/

Nick J. Gardner

Sole Panelist

Date: April 28, 2026