ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
A&Z Pharmaceutical, Inc. v. Jeongyong Cho
Case No. D2026-3823

1. The Parties

The Complainant is A&Z Pharmaceutical, Inc., United States of America (or "U.S."), represented by Rivkin Radler LLP, United States of America.

The Respondent is Jeongyong Cho, Republic of Korea.

2. The Domain Name and Registrar

The disputed domain name <dcal.com> is registered with Megazone Corp., dba HOSTING.KR (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on August 26, 2026. On August 27, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 28, 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 (Sedo.com, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 1, 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 in English on September 2, 2026.

On September 1, 2026, the Center informed the Parties in Korean and English, that the language of the Registration Agreement for the disputed domain name is Korean. On September 2, 2026, the Complainant confirmed its request that English be the language of the proceeding. The Respondent objected to the Complainant's request on September 4, 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 in Korean and English of the Complaint, and the proceedings commenced on September 9, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 29, 2026. The Response was filed in English with the Center on September 25 and 29, 2026.

The Center appointed Moonchul Chang as the sole panelist in this matter on October 5, 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.

4. Factual Background

The Complainant, A&Z Pharmaceutical Inc., is a U.S.-based pharmaceutical and dietary supplement company headquartered in New York. Established in 1995, the Complainant widely markets its product lines—including its flagship calcium supplement, D-CAL—across North America, Asia, and Europe.

The Complainant holds full ownership of several U.S. trademark registrations, including:

(i) U.S. Trademark Registration No. 4944782 (D-CAL design mark), filed on July 21, 2015, and registered on April 26, 2016;

(ii) U.S. Trademark Registration No. 4944783 (D-CAL word mark), filed on July 21, 2015, and registered on April 26, 2016; and

(iii) U.S. Trademark Registration No. 6284953 (D-CAL design mark), filed on December 26, 2019, and registered on March 2, 2021.

According to public WhoIs records, the disputed domain name was originally created on February 7, 2000. The Respondent claims to have acquired the disputed domain name through a public auction in March 2023. Notably, prior to the commencement of this proceeding, the disputed domain name resolved to a parking page where it was offered 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. The Complainant contends that:

(a) The disputed domain name is identical to the D-CAL mark, as it incorporates the exact wording of the mark. This renders the disputed domain name indistinguishable from the D-CAL mark visually, aurally, and phonetically. Furthermore, even setting aside the hyphen, the full identity of D-CAL remains explicitly recognizable within the disputed domain name.

(b) The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has neither used nor made demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services. Rather, the disputed domain name merely resolves to a landing page offering the disputed domain name for sale.

(c) The disputed domain name was registered and has been used in bad faith, as evidenced by the Respondent offering it for sale at an exorbitant price of USD 685,000. Under UDRP paragraph 4(b) of the Policy, offering to sell a domain name for an amount far exceeding out-of-pocket costs directly related to it serves as a paradigmatic demonstration of bad faith. Setting such an extortionate asking price suggests that the Respondent intentionally targeted the Complainant.

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

B. Respondent

The Respondent contends that:

(a) The disputed domain name consists of a single, continuous, four-letter string without a hyphen. The presence or absence of a hyphen fundamentally alters the visual, phonetic, and commercial identity of a short four-letter mark. Furthermore, the exact-match domain name <d-cal.com> for the Complainant's mark, is currently owned by an unrelated third party.

(b) The Respondent acquired this inherently valuable asset in March 2023 through a public auction for a substantial price of USD 2,492. Originally registered in 2000, the disputed domain name has maintained a long-standing digital presence, including prior use as a corporate website in the secondary market. The Respondent originally acquired the disputed domain name to build a personal website completely unrelated to the Complainant. While unexpected financial difficulties subsequently delayed immediate development, established UDRP precedent clarifies that a delay caused by a lack of funds does not invalidate initial good-faith acquisition or legitimate rights.

(c) At the time of purchase through a public auction in March 2023, the Respondent had no knowledge whatsoever of the Complainant, its business, or its hyphenated D-CAL mark. The Respondent invested in the disputed domain name solely for its intrinsic commercial value. Under well-established UDRP jurisprudence, legitimate domain name investment and aftermarket resale for profit do not constitute bad faith, provided the domain name was not chosen to target a specific mark.

(d) The Respondent further contends that the Complaint was brought in bad faith, amounting to an attempt at Reverse Domain Name Hijacking.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant must demonstrate that the three elements enumerated in paragraph 4(a) of the Policy have been satisfied. These elements are that: (i) the disputed domain name is identical or confusingly similar to the Complainant's trademark or service mark; (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. Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Korean. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceedings shall be the language of the registration agreement. The Complaint was filed in English.

The Complainant requested that the language of the proceedings be English on the grounds that: (i) the Complainant is a New York corporation with its principal place of business in New York, conducting its business in English; (ii) the website content associated with the disputed domain name is displayed in English, with the purchase price quoted in USD; and (iii) proceeding in English would cause no unfairness or prejudice to the Respondent. Although the Respondent initially requested Korean as the primary language of the proceedings, or alternatively that the proceedings be conducted in both Korean and English, the Respondent ultimately submitted its formal Response in English. This demonstrates that the Respondent is capable of participating in English, thereby justifying English as the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all

relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs. (See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

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 3.1, section 1.7.

The Complainant has established trademark or service mark rights for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1. In the present case, the disputed domain name incorporates the Complainant's D-CAL mark, with the sole exception of the hyphen. The disputed domain name and the Complainant's mark are visually similar and phonetically identical and share structural similarity. Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7. Furthermore, the generic Top-Level Domain ("gTLD") suffix ".com" is disregarded under the first element test. WIPO Overview 3.1, section 1.11.1.

Therefore, the Panel concludes that the first element of the Policy has been established.

B. Rights or Legitimate Interests

It is unnecessary to consider this element in light of the Panel's conclusion below under the third element.

C. Registered and Used in Bad Faith

Paragraph 4(a)(iii) of the Policy requires that the disputed domain name has "been registered and is being used in bad faith". Thus, for the Complainant to succeed, a UDRP panel must be satisfied that a domain name has been registered and is being used in bad faith. These requirements are conjunctive; each must be proven, otherwise the Complaint fails. In addition, 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 3.1, section 3.2.1.

Under established UDRP jurisprudence, panels have consistently held that the practice of registering a domain name for subsequent resale (including at a profit) does not, of itself, substantiate a claim that the respondent registered the domain name in bad faith with the primary purpose of selling it to a trademark owner or its competitor. WIPO Overview 3.1, section 3.1.1. In the present case, the Panel notes that the disputed domain name is a short, four-letter term capable of varied legitimate third-party uses (for instance, the prior registrant appears to have utilized the disputed domain name to offer boat decals for sale).

Taking the foregoing into account, panels have generally held that where a registrant possesses an independent right to or legitimate interest in a domain name, an offer to sell that domain name does not, of itself, constitute evidence of bad faith for the purposes of the Policy, regardless of which party initiated the prospective sale. This applies equally to "generalized" offers to sell, including listings on third-party market platforms. Respecting paragraph 4(b)(i) of the Policy, panels have noted that offers to sell exceeding documented out-of-pocket costs must specifically target a trademark owner; the evaluation of such targeting turns on a totality of relevant facts and circumstances, including the strength and reputation of the mark at issue (including whether third parties utilize the term as a mark for distinct goods or services across jurisdictions, or whether the term is descriptive or a dictionary word capable of non-infringing uses), the

extent and reach of the complainant's online presence, and the geographic locations of the parties. A mere profit-motivated offer to sell, absent a showing of targeted bad faith toward a trademark owner, does not constitute a violation of paragraph 4(b)(i). Moreover, panels rely on the parties to adduce substantiating evidence of such costs. WIPO Overview 3.1, section 3.1.1.

The Panel further observes that the Complainant has failed to adduce evidence establishing the fame or commercial notoriety of its mark, whether generally or within the jurisdiction where the Respondent appears to be based. Furthermore, the Respondent expressly asserts a lack of actual knowledge of the Complainant at the time of registration. Under these circumstances, the Panel finds no compelling direct evidence to establish, on a balance of probabilities, that the Respondent specifically targeted the Complainant, rather than acquiring the disputed domain name for its intrinsic value as a short, memorable designation capable of alternative legitimate uses. Accordingly, the record before the Panel does not indicate that the Respondent's purpose in registering the disputed domain name was to exploit or profit from the Complainant's trademark.

Therefore, the Panel concludes that the Complainant has failed to satisfy the third element under paragraph 4(a)(iii) of the Policy in the present case.

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 (or "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. In the present case, however, the Panel considers that the Complainant appears to have misapprehended the evidentiary weight or probative value of its submitted evidence when filing the Complaint. Consequently, the Panel cannot conclude that the Complainant initiated this proceeding in bad faith for the purposes of RDNH. It is well established that the mere lack of success of a Complaint does not, of itself, suffice to support a finding of RDNH.

Therefore, the Panel is of the view that the Complainant did not bring the Complaint in bad faith as an attempt at RDNH, and accordingly denies the Respondent's request for a finding of Reverse Domain Name Hijacking.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Moonchul Chang/
Moonchul Chang
Sole Panelist
Date: October 28, 2026