

## **ADMINISTRATIVE PANEL DECISION**

Inmarsat Global Limited v. Yunsung Lee  
Case No. D2022-0567

### **1. The Parties**

The Complainant is Inmarsat Global Limited, United Kingdom, represented internally.

The Respondent is Yunsung Lee, Republic of Korea.

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

The disputed domain name <inmarsat.net> is registered with Inames Co., Ltd. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on February 17, 2022. On February 18, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 21, 2022, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details for the disputed domain name.

The Center sent an email communication in English and Korean to the parties on February 21, 2022, regarding the language of the proceeding, as the Complaint has been submitted in English and the language of the registration agreement for the disputed domain name is Korean. The Complainant submitted a request for English to be the language of the proceeding on February 22, 2022. The Respondent submitted a request for Korean to be the language of the proceeding on the same day.

The Center verified that 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 February 25, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 17, 2022. The Center informed the Parties of its commencement of Panel appointment on March 18, 2022.

The Center appointed Ik-Hyun Seo as the sole panelist in this matter on March 30, 2022. 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 is a satellite telecommunications company with headquarters in London, United Kingdom. The Complainant has been operating since 1979 and is currently one of the largest providers of mobile satellite telecommunications in the world. It has over 1,800 employees worldwide and its customers range from private individuals to multinational airlines, to governments across the globe. The Complainant is the owner of several group-owned trademarks relating to the Inmarsat brand in many countries, including the UK Trademark Number 00001461264 for INMARSAT registered in Classes 9 and 38 on August 28, 1992. The Complainant has owned and used the domain name <inmarsat.com> for its official company website since March 2, 1999.

The Respondent appears to be an individual with an address in the Republic of Korea.

The disputed domain name was registered on December 9, 2001, and resolves to a website advertising the disputed domain name for sale and outlining the steps for the proposed domain name transfer.

#### **5. Parties' Contentions**

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

The Complainant contends that the disputed domain name solely comprises of the term "inmarsat" and is therefore identical to the Complainant's mark INMARSAT in which the Complainant has rights.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name, and confirms that it has not authorized or licensed rights to the Respondent in any respect.

Finally, the Complainant contends that the disputed domain name was registered and is used in bad faith. The Complainant explains that the disputed domain name resolves to a website which was created for the purpose of selling the disputed domain name, either to the Complainant, a third party, or even a competitor, evidenced by the offer for sale and descriptions of the proposed transaction detailed on the website. The Complainant also contends that the Respondent sent a phishing email to one of the Complainant's suppliers in the name of the Complainant's CEO from an email address generated by the disputed domain name. The email asked the recipient whether they had a moment to look into an "urgent obligation" and was signed with the Complainant's company name, registered address, and trademark in the footer of the email. The Complainant asserts that by sending an email impersonating the CEO of the Complainant, the Respondent intended to cause significant damage, including damage to the reputation of the Complainant's trademark, which constitutes bad faith.

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

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

#### **6. Discussion and Findings**

##### **A. Language**

Paragraph 11(a) of the Rules provides that the language of the proceeding shall be the language of the registration agreement, unless otherwise agreed to by the parties, subject to the authority of the panel to determine otherwise. In this case, the language of the Registration Agreement is Korean, and both parties have had an opportunity to argue their positions on this point. The Center issued a notice in Korean and

English stating that it would accept the Complaint filed in English, and that the Response would be accepted in either Korean or English. The Respondent subsequently chose not to submit a Response.

Given the fact that both parties were given the opportunity to submit arguments in the language of their preference, and the Respondent did not submit any arguments whatsoever in these proceedings, the Panel finds it proper and fair to render this decision in English. Moreover, notwithstanding the Respondent's statement that "it is difficult for [him] to understand legal terms in English", based on the email sent from the disputed domain name to the Complainant's supplier, the Respondent appears to have sufficient English capability for the purpose of this proceeding and will not be unduly prejudiced by the Panel rendering the decision in English. Accordingly, the Panel finds it proper and fair to render this decision in English.

### **B. Identical or Confusingly Similar**

The Complainant has demonstrated with supporting evidence that it holds a trademark registration for INMARSAT which precedes the registration date of the disputed domain name. The disputed domain name is identical to the Complainant's trademark.

For the reason mentioned above, the Panel finds that the first element has been established.

### **C. Rights or Legitimate Interests**

On the basis of the present record, the Panel finds that the Complainant has made the required allegations to support a *prima facie* showing that the Respondent has no rights or legitimate interests in the disputed domain name. Once such a *prima facie* basis has been established, the Respondent carries the burden of demonstrating its rights or legitimate interests in the disputed domain name. However, the Respondent in this case has chosen to file no substantive Response to these assertions by the Complainant, and there is no evidence or allegation in the records that would warrant a finding in favor of the Respondent on this point.

In addition, the Respondent sent a phishing email to the Complainant's supplier in an apparent attempt to engage in illegal activity. According to WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 2.13.1, use of a domain name for illegal activity can never confer rights or legitimate interests on the respondent.

For the reasons provided above, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name, and that the second element has been established.

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

The Panel finds that there is strong and clear evidence to find bad faith in this case.

First and foremost, the Respondent attempted to perpetuate fraud by sending an email from the disputed domain name to at least one of the Complainant's suppliers. The email was sent in the name of the Complainant's CEO, asking the supplier to contact him on an urgent basis, and the Complainant's actual address and logo were used in the signature block in order to deceive the recipient into believing that the email actually came from the Complainant's CEO. Using a domain name in a fraudulent activity is manifestly evidence of bad faith registration and use. See [WIPO Overview 3.0](#), section 3.1.4 and section 3.4.

Further, considering the fame of the Complainant and its mark, it should be considered quite a coincidence for the Respondent to have registered a domain name consisting solely of this exact mark without having prior knowledge of the Complainant. Rather, the Panel is of the view that the Respondent registered the disputed domain name with knowledge of the Complainant's trademark and the intent to benefit financially in some way from the disputed domain name and the fame and reputation associated with the Complainant's trademark.

For the reasons given above, the Panel finds that the third element has been established.

## **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, <inmarsat.net>, be transferred to the Complainant.

*/Ik-Hyun Seo/*

**Ik-Hyun Seo**

Sole Panelist

Date: April 26, 2022