

ADMINISTRATIVE PANEL DECISION

Coupage Corp. v. JaeYoung Choi
Case No. D2022-1561

1. The Parties

The Complainant is Coupage Corp., Republic of Korea, represented by Demys Limited, United Kingdom.

The Respondent is JaeYoung Choi, Republic of Korea.

2. The Domain Names and Registrar

The disputed domain names <coupageair.com>, <coupagegame.com>, <coupageauto.com>, <coupagecanada.com>, <coupagechina.com>, <coupagecoin.com>, <coupagecorea.com>, <coupagedrive.com>, <coupageeducation.com>, <coupageedu.com>, <coupagefrance.com>, <coupagegame.com>, <coupagejapan.com>, <coupageland.com>, <coupagemexico.com>, <coupagrider.com>, <coupagestar.com>, <coupagestudy.com>, <coupageswap.com>, <coupagetelecom.com>, <coupagetour.com>, <coupagetrip.com>, <coupageuk.com>, <coupagesussr.com>, <coupagework.com>, and <coupage24.com> are registered with Gabia, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on April 29, 2022. On April 29, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On May 2, 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.

On May 5, 2022, the Center notified the Parties in both English and Korean that the language of the registration agreement for the disputed domain name is Korean. On May 5, 2022, the Complainant confirmed its request for English to be the language of the proceeding. On May 9, 2022, the Respondent requested for Korean to be the language of the proceeding.

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 in both Korean and English, and the proceedings commenced on May 17, 2022. In accordance with the Rules, paragraph 5, the due date for Response was June 6, 2022. The Response was filed with the Center on June 6, 2022.

The Center appointed Ho-Hyun Nahm as the sole panelist in this matter on June 28, 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, Coupang Corp., is an e-commerce company based in Seoul, Republic of Korea. The Complainant was founded in 2010 and is one of the largest online marketplaces in the Republic of Korea, with its operations expanding in Japan and Taiwan. At the end of 2021, the Complainant had almost 9 million subscribers to its Rocket WOW service which offers the Complainant's customers benefits, such as quicker delivery, free delivery, and easier returns. In the same year the Complainant achieved more than USD 18 billion total net revenue. The Complainant's principal domain name is <coupang.com>. The Complainant is the proprietor of a global portfolio of trademarks for the term COUPANG.

All of the disputed domain names were registered between December 27, 2020 and December 2, 2021. The disputed domain names with the exception of <coupangjapan.com> have resolved to the same blog, which has no connection with the disputed domain names themselves; no or very little information about the blog author; content taken from other blogs or websites; and links with affiliated or sponsored content bearing the characteristics of commercial advertisement.

5. Procedural Matters – Language of the Proceedings

The Panel notes that the Registration Agreement is written in Korean, thereby making the default language of the proceedings in Korean. In accordance with the Rules, paragraphs 11(a), 10(b) and 10(c), the Complainant requests that the Panel determine English to be the language of the proceeding for the following reasons: (i) most of the disputed domain names incorporate English words, such as "air", "game", "coin", "drive", "land", "rider", "star", "tour", "trip"; (ii) 25 disputed domain names of 26 disputed domain names resolve to the same website which prominently displays the following message in English "If you have something to tell me, send it by e-mail. The email address is [...]@naver.com."; (iii) both facts above indicate that it is more likely than not that the Respondent is familiar with the English language; (iv) the Complainant's authorized representative's working language is English; and (v) the Complainant will be put to great expense and inconvenience to translate its submissions to a language other than English.

The Respondent objects to the Complainant's request for the language of proceedings by arguing that it is difficult for the Respondent to understand and write English, and thus the proceedings should be conducted in Korean.

The Panel has the discretion under UDRP Rule 11(a) to determine the appropriate language of the proceedings taking into consideration the particular circumstances of the administrative proceeding. The Complaint in English and the Response in Korean have been submitted. Taking into consideration the Complainant's request and the Respondent's objection thereto, the Panel accepts the Complaint filed in English and the Response filed in Korean. The Panel will render its decision in English. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1 ("where it appears the parties reasonably understand the nature of the proceedings, panels have also determined the language of the proceeding/decision taking account of the panel's ability to understand the language of both the complaint and the response such that each party may submit pleadings in a language with which it is familiar.").

6. Parties' Contentions

A. Complainant

i) The disputed domain names are identical or confusingly similar to a name or mark in which it has rights in terms of the Policy. The Complainant is the proprietor of a global portfolio of trademarks for the term COUPANG, *inter alia*, Reg. No. 4102241960000 registered on January 3, 2012, in the Republic of Korea; International Reg. No. 1303695 registered on May 2, 2016; and Reg. No. 801303695 registered on December 30, 2016, in the United Kingdom. The disputed domain names incorporate the Complainant's COUPANG mark in its entirety, with the addition of adornments such as "auto", "game", "china", "24", "education", *etc.* The Complainant's COUPANG mark is first and most prominent element in each of the disputed domain names and that the addition of these adornments does nothing to distinguish the disputed domain names from the Complainant's mark.

ii) The Respondent does not have any rights or legitimate interests in the disputed domain names. The Complainant has found no evidence that the Respondent has been commonly known as COUPANG, with or without the adornments found in the disputed domain names, prior to or after the registration of the disputed domain names. The Respondent is not a licensee of the Complainant and has not received any permission or consent from the Complainant to use its name or mark. The Respondent's use of the disputed domain names cannot be construed as legitimate noncommercial or fair use as the Respondent incorporates the Complainant's distinctive and well-known mark in the disputed domain names to misleadingly divert Internet users to the Respondent's spam blog. The Complainant's distinctive and well-known mark is the first and most prominent element in each of the disputed domain names and its use, combined with the adornments featured in the disputed domain names, falsely suggests affiliation between the Respondent and the Complainant. Internet users typing in any of the disputed domain names, or finding them via a search engine, would reasonably expect the disputed domain names to be associated with, sponsored or endorsed by the Complainant.

iii) The disputed domain names were registered and are being used in bad faith. The disputed domain names are in and of themselves confusing. Such "initial interest confusion" is inevitable given that the disputed domain names incorporate the Complainant's name and mark as their first, most dominant and distinctive element. Equally, the additional adornments do nothing to dispel the potential for confusion. The disputed domain names, with the exception of <coupanjapan.com>, resolve to a splog or a spam blog website. The spam blogs by design serve only to promote affiliated websites, increase the search engine rankings of associated websites, generate traffic, or to simply sell links. The Respondent's website contains links to websites advertising third-party business or products that are unrelated to the Complainant's business. The Respondent intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website or other on-line location, by creating a likelihood of confusion with the Complainant's well-known and distinctive mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or other on-line location. The passive holding of one of the disputed domain names, *i.e.*, <coupanjapan.com> constitutes bad faith as it incorporates the Complainant's distinctive and well-known mark. The presence of MX and SPF records indicate that the disputed domain name <coupanjapan.com> may have been registered for unlawful purposes, therefore eliminating any good faith use to which the disputed domain name may be put. The Respondent has engaged in a pattern of abusive registrations.

B. Respondent

i) The disputed domain names are neither identical nor confusingly similar to the Complainant's trademark because Internet users may get access to the Complainant's website by searching for the Complainant's name or mark or through the Complainant's website associated with the Complainant's domain <coupan.com>. There are no companies in the world that put a country name after their company name when they advance to foreign countries. The domain names such as <naverjapan.com>, <inteljapan.com>, <googlejapan.com>, *etc.*, are currently offered for sale. The domain names such as <nescafejapan.com>, <logitechjapan.com>, <nestlejapan.com>, are not even registered. When Internet users type in any of the

disputed domain names in Google search engine, it displays the Complainant's website resolved by the Complainant's domain name <coupang.com>.

ii) The Respondent does have rights or legitimate interests in the disputed domain names. The Complainant's assertion that the Respondent's blog being a splog or a spam blog is groundless. The Respondent has been operating its blogs from June 2012. The Respondent posted a lot of posts on the blog which is connected to the disputed domain names because the Respondent wanted to share the Respondent's interests and health-related common sense with others. The Complainant is not a legitimate right holder of the disputed domain names just because certain words are added to the Complainant's trademark to form the disputed domain names. Therefore, it is unwarranted to ask the transfer of the ownership of the disputed domain names to the Complainant.

iii) The Respondent registered and is using the disputed domain names in good faith. The blog provided by the portal site Naver respects individual freedom and the person's thoughts. A blog is a place that shows the thoughts or interests of the person who runs it. Naver provides the space for blogs and places commercial advertisements which have nothing to do with the blog operator. There is no benefit for the Respondent because Naver advertises on the Respondent's blog. The Respondent has never received a cent for 10 years running a blog. The Respondent does not run the blog for profit. Therefore, the Complainant's claim that the advertisements on the Respondent's blog are for profit is groundless. The Complainant claims that the presence of MX and SPF records indicates that the disputed domain names may have been registered for unlawful purposes. However, as confirmed by the Registrar, because the default DNS value for MX and SPF is automatically set by the Registrar, the Respondent does not know what MX and SPF are, and thus the Complainant's argument is unwarranted.

7. Discussion and Findings

Paragraph 4(a) of the Policy provides that, to obtain transfer of a domain name, a complainant must prove each of the following:

- (i) the domain name is identical 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 domain name; and
- (iii) the respondent's domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant claims that it is the proprietor of a global portfolio of trademarks for the term COUPANG, *inter alia*, Reg. No. 4102241960000 registered on January 3, 2012, in the Republic of Korea; International Reg. No. 1303695 registered on May 2, 2016; and Reg. No. 801303695 registered on December 30, 2016, in the United Kingdom. The Complainant has provided evidence for the trademark registrations. The Respondent does not dispute the validity of the Complainant's trademark. Where a complainant holds a nationally or regionally registered trademark or service mark, this *prima facie* satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case. See [WIPO Overview 3.0](#), section 1.2. Therefore, the Panel finds that the Complainant has established rights in the mark COUPANG.

Next, the Complainant contends that the disputed domain names incorporate the Complainant's COUPANG mark in its entirety, with the addition of adornments such as "auto", "game", "china", "24", "education", *etc*; that the Complainant's COUPANG mark is first and most prominent element in each of the disputed domain names; and that the addition of these adornments does not prevent a finding of confusingly similarity to the Complainant's mark.

The Respondent seeks to rebut that the disputed domain names are neither identical nor confusingly similar to the Complainant's trademark because Internet users may get access to the Complainant's website by

searching for the Complainant's name or mark or through the Complainant's website associated with the Complainant's domain <coupan.com>; that there are no companies in the world that put a country name after their company name when they advance to foreign countries; that the domain names such as <naverjapan.com>, <inteljapan.com>, <googlejapan.com>, etc., are currently offered for sale. The domain names such as <nescafejapan.com>, <logitechjapan.com>, <nestlejapan.com>, are not even registered; and when Internet users type in any of the disputed domain names in Google search engine, it displays the Complainant's website resolved by the Complainant's domain name <coupan.com>.

The Panel notes that the presence of a third party's domain names which are of similar structure in forming the domain names, which are comprised of a right holder's trademark and a word is not relevant here and moreover does not immunize the disputed domain names from a finding of confusingly similarity. Furthermore, the Panel finds that the display of the Complainant's website as a result of typing in the disputed domain names in the Google search engine affirms that the disputed domain names are confusingly similar to the Complainant's mark.

The Panel notes that the disputed domain names incorporate the Complainant's COUPANG mark in its entirety, with the addition of words/terms or a number: "air," "game," "auto," "coin," "drive," "education," "edu," "game," "land," "rider," "star," "study," "swap," "telecom," "tour," "trip," "work," "Canada," "China," "Corea," "France," "Japan," "Mexico," "UK," "USSR," and "24". The generic top-level domain ".com" should be disregarded for the purposes of comparison with the Complainant's name and mark.

The Panel finds that the disputed domain names are confusingly similar to the mark in which the Complainant has rights per paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Where a complainant makes out a *prima facie* case that a 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 ([WIPO Overview 3.0](#), section 2.1). In such circumstances, if the respondent fails to come forward with evidence establishing rights or legitimate interests in the domain name, the complainant is deemed to have satisfied this element ([WIPO Overview 3.0](#), section 2.1).

The Complainant contends that the Respondent does not have any rights or legitimate interests in the disputed domain names. The Complainant has found no evidence that the Respondent has been commonly known as COUPANG, with or without the adornments found in the disputed domain names, prior to or after the registration of the disputed domain names. The Complainant further contends that the Respondent is not a licensee of the Complainant and has not received any permission or consent from the Complainant to use its mark; that the Respondent's use of the disputed domain names cannot be construed as legitimate noncommercial or fair use as the Respondent incorporates the Complainant's distinctive and well-known mark in the disputed domain names to misleadingly divert Internet users to the Respondent's (spam or otherwise) blog; that the Complainant's distinctive and well-known mark is the first and most prominent element in each of the disputed domain names and its use, combined with the adornments featured in the disputed domain names, falsely suggests affiliation between the Respondent and the Complainant; and that Internet users typing in any of the disputed domain names, or finding them via a search engine, would reasonably expect the disputed domain names to be associated with, sponsored or endorsed by the Complainant.

Given the circumstances above, the Panel finds that the Complainant has made out a *prima facie* case. As the burden of production thus shifts to the Respondent, the Panel must now see if the Respondent has rebutted the *prima facie* case and shown that it has a right or legitimate interest in the disputed domain names. The Respondent seeks to rebut this by stating that he/she does have rights or legitimate interests in the disputed domain names; that the Complainant's assertion that the Respondent's blog being a splog is groundless; that the Respondent has been operating its blog from June 2012; that the Respondent posted a lot of posts on the blog which is connected to the disputed domain names because the Respondent

wanted to share his/her interests and health-related common sense with others; that the Complainant is not a legitimate right holder of the disputed domain names just because certain words are added to the Complainant's trademark to form the disputed domain names; and that, therefore, it is unwarranted to transfer the ownership of the disputed domain names to the Complainant.

The Panel notes that 25 disputed domain names have resolved to the same blog, which has no connection with the disputed domain names themselves; no or very little information about the blog author; content taken from other blogs or websites; and links with affiliated or sponsored content bearing the characteristics of commercial advertisement. The Panel finds that irrelevant is the Respondent's rebuttal that the Respondent's own blog is connected to the disputed domain names because the Respondent wanted to share his/her interests and health-related common sense with others because the use of the disputed domain names which are confusingly similar to the Complainant's well-known mark is not justified to share the Respondent's interests and/or health-related common sense with others, especially as they imply an affiliation by or sponsorship of the Complainant. The Panel is of the view that Internet users would reasonably expect the disputed domain names and the blog of the Respondent to be associated with, sponsored or endorsed by the Complainant. In addition, the Panel notes that the disputed domain name <coupanjapan.com> remains inactive. The Panel finds that the passive holding of this disputed domain name does not constitute legitimate noncommercial or fair use of the disputed domain name.

As the Panel finds that the Respondent has failed to rebut the *prima facie* case against it, it concludes that the Respondent has no rights or legitimate interests in the disputed domain names.

C. Registered and Used in Bad Faith

The Complainant contends that the disputed domain names were registered and are being used in bad faith; that the disputed domain names are in and of themselves confusing; that such confusion is inevitable given that the disputed domain names incorporate the Complainant's mark as their first, most dominant and distinctive element; that, equally, the additional adornments do nothing to dispel the potential for confusion; that the disputed domain names, with the exception of <coupanjapan.com>, resolve to a splog or a spam blog website; and that the spam blogs by design serve only to promote affiliated websites, to increase the search engine rankings of associated websites, to generate traffic, or to simply sell links.

The Respondent avers that the blog provided by the portal site Naver respects individual freedom and the person's thoughts; that a blog is a place that shows the thoughts or interests of the person who runs it; that Naver provides the space and places commercial advertisements which have nothing to do with the blog operator; that there is no benefit for the Respondent because Naver advertises on the Respondent's blog; that the Respondent has never received a cent for 10 years running a blog; that the Respondent does not run the blog for profit; And that, therefore, the Complainant's claim that the advertisements on the Respondent's blog are for profit is groundless.

The Panel notes that paragraph 4(b)(iv) of the Policy states that the following is one example of circumstances that would support a finding of registration and use of a domain name in bad faith: circumstances indicating that the respondent is using the domain name to intentionally attempt to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on its website or location.

The Panel further notes that the Respondent's blog which is connected to 25 disputed domain names contains links to websites advertising third-party business or products that are unrelated to the Complainant's business. Although the Respondent is asserting that the Respondent has never received a cent for 10 years running a blog, and thus the Respondent does not run the blog for profit, the Panel is of the view that it is irrelevant whether or not the Respondent has received or gained actual benefits or profits to determine the threshold requirement per paragraph 4(b)(iv) of the Policy. The Panel determines that the Respondent's intent in registering the disputed domain names was in fact to profit in some fashion from or otherwise exploit the Complainant's trademark taking into consideration the circumstances that: (i) the

Respondent's likely knowledge of the Complainant's rights, (ii) the distinctiveness of the Complainant's mark, (iii) a pattern of abusive registrations (26 disputed domain names in this case) by the Respondent, (iv) failure of the Respondent to present a credible evidence-backed rationale for registering the disputed domain names, and (v) particularly the disputed domain names that are confusingly similar to the Complainant's mark, which is a highly distinctive and famous mark. For the reasons above, the Panel does not agree with the Respondent's defense that the disputed domain names were merely registered for legitimate use or speculation as opposed to targeting the Complainant. The Panel concludes that the Respondent attempted to attract, for commercial gain, Internet users to the Respondent's website or other on-line location, by creating a likelihood of confusion with the Complainant's well-known and distinctive mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or other on-line location, which supports a finding of registration and use of the disputed domain names in bad faith per paragraph 4(b)(iv) of the Policy. See WIPO Overview, section 3.1.4.

Next, the Complainant contends that the passive holding of the disputed domain name <coupangjapan.com> constitutes bad faith as it incorporates the Complainant's distinctive and well-known mark. The Panel agrees that the passive holding of a domain name does not necessarily circumvent a finding that the domain name is being used in bad faith within the requirements of paragraph 4(a)(iii) of the Policy. See *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#) (finding that in considering whether the passive holding of a domain name, following a bad faith registration of it, satisfies the requirements of paragraph 4(a)(iii), the panel must give close attention to all the circumstances of the respondent's behavior, and a remedy can be obtained under the Policy only if those circumstances show that the respondent's passive holding amounts to acting in bad faith.)

The particular circumstances of this case that the Panel has considered are:

- i) The Complainant is one of the largest online marketplaces in the Republic of Korea, with its operations expanding in Japan and Taiwan. At the end of 2021, the Complainant had almost 9 million subscribers to its Rocket WOW service which offers the Complainant's customers benefits, such as quicker delivery, free delivery and easier returns. In the same year the Complainant achieved more than USD 18 billion total net revenue. As such, the Complainant's mark COUPANG is considered as being a well-known and reputable trademark;
- ii) The Respondent registered 26 disputed domain names incorporating the Complainant's mark in a year between December 27, 2020 and December 2, 2021 thereby showing a pattern of bad faith registration; and
- iii) The Respondent has provided no evidence whatsoever of any actual or contemplated good faith use by it of the disputed domain names.

Taking into account all of the above, the Panel concludes that the Respondent's passive holding of the disputed domain name <coupangjapan.com> constitutes bad faith under Policy, paragraph 4(a)(iii) and that the Respondent is using the disputed domain name in bad faith.

The Complainant further avers that the Respondent has engaged in a pattern of abusive registrations as evident from the present case, in which the 26 disputed domain names incorporate the Complainant's distinctive COUPANG mark. The Complainant asserts that by registering the disputed domain names the Respondent prevents the Complainant from reflecting its COUPANG mark alongside certain adornments relating to the Complainant's business in the disputed domain names. The Complainant contends that this is indicative that the Respondent registered and used the disputed domain names in bad faith per paragraph 4(b)(ii) of the Policy.

The Panel finds that the Respondent has engaged in a pattern of abusive registrations. See [WIPO Overview 3.0](#), section 3.1.2 (UDRP panels have held that establishing a pattern of bad faith conduct requires more than one, but as few as two instances of abusive domain name registration. This may include a scenario where a respondent, on separate occasions, has registered trademark-abusive domain names, even where directed at the same brand owner).

The Panel therefore concludes that the Respondent registered and used the disputed domain names in bad faith.

8. 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 names <coupanair.com>, <coupangame.com>, <coupangauto.com>, <coupangcanada.com>, <coupangchina.com>, <coupangcoin.com>, <coupangcorea.com>, <coupangdrive.com>, <coupangeducation.com>, <coupangedu.com>, <coupangfrance.com>, <coupanggame.com>, <coupangjapan.com>, <coupangland.com>, <coupangmexico.com>, <coupangrider.com>, <coupangstar.com>, <coupangstudy.com>, <coupangswap.com>, <coupangtelecom.com>, <coupangtour.com>, <coupangtrip.com>, <coupanguk.com>, <coupangussr.com>, <coupangwork.com>, and <coupang24.com>, be transferred to the Complainant.

/Ho-Hyun Nahm/

Ho-Hyun Nahm

Sole Panelist

Date: July 11, 2022