

ADMINISTRATIVE PANEL DECISION

IICOMBINED Co., Ltd. v. Huy inh
Case No. D2025-0254

1. The Parties

The Complainant is IICOMBINED Co., Ltd., Republic of Korea, represented by Marq Vision, Inc., United States of America (“United States”).

The Respondent is Huy inh, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <gentlemonstervn.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 23, 2025. On January 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 23, 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 (“Unknown”) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 24, 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 January 28, 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 February 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 23, 2025. The Respondent sent informal email communications on February 26, 2025, and March 4, 2025. The Complainant sent an email communication on March 3, 2025. The Center commenced the panel appointment process on March 5, 2025. The Respondent sent additional unsolicited and informal communications on March 13, March 18 and March 21, 2025. The Complainant sent email communications on March 18 and March 21, 2025.

The Center appointed Vincent Denoyelle as the sole panelist in this matter on March 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.

4. Factual Background

The Complainant is a South Korean brand of luxury sunglasses and optical glasses founded in Seoul in 2011, with international operations.

The Complainant owns several GENTLE MONSTER trade marks including the following:

- United States trade mark GENTLE MONSTER registration number 79189451, registered on December 5, 2017; and
- International trade mark registration GENTLE MONSTER registration number 1303698, registered on May 31, 2016.

The Complainant promotes its trade mark through its official website “gentlemonster.com”.

The disputed domain name was registered on June 11, 2022.

The disputed domain name points to a website (the “Website”) purporting to sell sunglasses and displaying the Complainant’s trade mark prominently and a logo that is very similar to one of the Complainant’s logos. The Website displays the terms “Gentle Monster Vietnam” in large characters.

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 that the disputed domain name includes the GENTLE MONSTER trade mark in its entirety and that the addition of the term “vn” does not diminish confusing similarity.

The Complainant asserts that the Respondent is not commonly known by the disputed domain name and that it has not acquired corresponding trade mark rights. The Complainant adds that there is no relationship or affiliation between the Complainant and the Respondent which might give rise to any license, permission, or other right in relation to the GENTLE MONSTER trade mark. Finally, the Complainant argues that the Respondent is using the disputed domain name in connection with the Website that misleads consumers into thinking that the Respondent is affiliated with the Complainant.

Turning to bad faith, the Complainant contends that the Respondent must have been aware of the GENTLE MONSTER trade mark at the time of registration of the disputed domain name, given that the Complainant has established a significant presence in the global eyewear and accessories market. The Complainant highlights the fact that the GENTLE MONSTER trade mark is being used on the Website to create the impression that there is an affiliation with the Complainant or that the Respondent represents the Complainant. The Complainant considers that the Respondent is seeking to impersonate the Complainant and deceive users.

B. Respondent

The Respondent did not reply to the Complainant's contentions before the Response due date. However, the Respondent sent several unsolicited and informal communications after the Response due date and even after the Panel appointment. The Respondent claims, among other things, that the disputed domain name and content belong to its intellectual property, and that its brand is not related to the Complainant's. As explained under section 6.1, the Panel has decided not to admit such unsolicited and informal communications which are essentially self-serving, not credible and unsubstantiated.

6. Discussion and Findings

6.1 Preliminary Procedural Issue - Admissibility of Supplemental Filings from the Respondent and the Complainant

Under the Rules, no express provision is made for supplemental filings by either Party, except in response to a deficiency notification or if requested by the Center or the Panel. Paragraphs 10 and 12 of the Rules in effect grant the Panel sole discretion to determine the admissibility of unsolicited supplemental filings.

Admissibility of supplemental filings is to be assessed based on relevance and foreseeability. Unsolicited supplemental filings are generally discouraged, unless specifically requested by the panel.

In all such cases, panels have repeatedly affirmed that the party submitting or requesting to submit an unsolicited supplemental filing should clearly show its relevance to the case and why it was unable to provide the information contained therein in its complaint or response (e.g., owing to some "exceptional" circumstance). WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") at section 4.6.

The Respondent has submitted several unsolicited emails two days after the Response due date and several emails after the Panel appointment. The Complainant has submitted responses to some of those emails. The Respondent has essentially stated that it had no knowledge of the Complainant, that it did not offer for sale any of the Complainant's products, that the disputed domain name could not possibly infringe the Complainant's GENTLE MONSTER trade marks and that the Complainant had agreed to suspend the proceedings and explore a settlement. The case file demonstrates that at least some of the Respondent's statements are squarely false. In any event, the Panel considers that the Respondent would have had sufficient time and opportunities to submit such supplemental filings earlier in the proceeding. The Panel has decided not to admit such unsolicited and informal communications from the Respondent which are essentially self-serving and wholly unsubstantiated. In the interest of fairness and equal treatment, the Panel has also decided not to admit the Complainant's responses to the Respondent's unsolicited communications.

6.2 Discussion and Findings

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 3.0](#), section 1.7.

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

The entirety of the GENTLE MONSTER trade mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the GENTLE MONSTER trade mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, “vn”, may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the GENTLE MONSTER trade mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 proving 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.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Panel finds that the disputed domain name and the Website demonstrate an attempt on the part of the Respondent to impersonate the Complainant and its trade marks and mislead Internet users into thinking that the disputed domain name and the Website and thus the Respondent are affiliated with the Complainant and a representative, branch or affiliate of the Complainant in Viet Nam (the Website displays on its home page the words “Gentle Monster Viet Nam” in very prominent letters and includes a V-shaped logo similar to a logo of the Complainant).

Panels have held that the use of a domain name for illegitimate activity, here, claimed impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds the second element of the Policy has 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.

In the present case, the Panel finds that when registering the disputed domain name, the Respondent must have had the Complainant’s GENTLE MONSTER trade mark in mind and targeted it specifically by registering the disputed domain name which contains the exact GENTLE MONSTER trade mark of the Complainant with the mere addition of the two letter country code “vn” for Viet Nam which would be likely perceived as implying that the disputed domain name and the Website are essentially the Complainant’s website for the Vietnamese market.

In addition, as part of the Panel’s general powers under the Rules, the Panel has undertaken limited factual research into matters of public record as the Panel considered such information useful to assessing the case

merits and reaching a decision under the third element. The Panel carried out a Google search on the term “Gentle Monster” and looking at the first five pages of results (50 results), all results relate to the Complainant and its products. In light of this, it seems inconceivable that the Respondent would have registered the disputed domain name for a reason other than seeking to unduly benefit from the Complainant, its trade mark and associated goodwill. The Panel thus considers that the disputed domain name was registered in bad faith.

As for use of the disputed domain name in bad faith, given the circumstances described in the Complaint and the evidence provided by the Complainant, the Panel considers that the disputed domain name is used in bad faith.

The Panel finds that the disputed domain name and the Website demonstrate an attempt on the part of the Respondent to impersonate the Complainant and its trade marks and mislead Internet users into thinking that the disputed domain name and the Website and thus the Respondent are affiliated with the Complainant and a representative, branch or affiliate of the Complainant in Viet Nam (the Website displays on its home page the words “Gentle Monster Viet Nam” in very prominent letters and includes a V-shaped logo similar to a logo of the Complainant).

On this basis, the Panel finds that, as per paragraph 4(b)(iv) of the Policy, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent’s 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 the Respondent’s website or location.

Further, panels under the Policy have held that the use of a domain name for illegitimate activity here, claimed impersonation/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitute bad faith under the Policy.

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 <gentlemonstervn.com> be transferred to the Complainant.

/Vincent Denoyelle/

Vincent Denoyelle

Sole Panelist

Date: March 26, 2025