

## **ADMINISTRATIVE PANEL DECISION**

The Founders Inc. v. Oktay Ak, AnuaShop and Hamza Ibrahim, AnuaShop  
Case No. D2025-0632

### **1. The Parties**

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

1.2 The Respondents are Oktay Ak, AnuaShop, France, and Hamza Ibrahim, AnuaShop, Canada.

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

2.1 The disputed domain names <anuashopco.com> and <anuashop.com> (the “Domain Names”) are registered with Tucows Domains Inc. (the “Registrar”).

### **3. Procedural History**

3.1 The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 18, 2025. At that time, publicly available Whois details did not identify the registrant of the Domain Names.

3.2 On February 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On that same day, the Registrar transmitted by email to the Center its verification response, disclosing underlying registrant and contact information for the Domain Names. The Center sent an email to the Complainant on February 21, 2025, providing the registrant and contact information disclosed by the Registrar.

3.3 On February 24, 2025, the Complainant sent an email to the Center effectively requesting that the Complaint be treated as amended by including the names and details of the underlying registrants and contact details provided by the Registrar.

3.4 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”).

3.5 In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondents of the Complaint, and the proceedings commenced on February 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 18, 2025. Accordingly, the Center notified the Respondents' default on March 19, 2025. Due to an apparent issue with the notification, on March 20, 2025, the Center granted the Respondents until March 25, 2025, to indicate whether the Respondents would like to participate to these proceedings. The Respondents did not submit any communication.

3.6 The Center appointed Matthew S. Harris as the sole panelist in this matter on March 31, 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**

4.1 The Complainant, is a company incorporated in the Republic of Korea. It sells skincare products under the brand ANUA in over 130 countries. Its products have achieved success and are sold internationally online through Amazon, particularly in the United States and Japan.

4.2 The Complainant is the owner of various registered trade marks that incorporate or comprise the term "anua". They include International trade mark registration no. 1546316 for a figurative mark that takes the form of the word "anua" in Roman and Korean stylised script, in class 3 with a registration date of July 1, 2020. This mark has proceeded to registration in eight jurisdictions including the United States and the European Union.

4.3 The Complainant also promotes its products from a website operating from the domain name <anua.kr>. The brand ANUA appears on that website, albeit using what appears to be a different font from that used for its International trade mark registration.<sup>1</sup>

4.4 The <anuashop.com> Domain Name was registered on December 16, 2024. It has been used since that date for a website that purports to sell the Complainant's products, offering those products for sale in GBP (the "UK Website"). In places on the UK Website appears the text "AnuaShop", using a font that is very similar to that used for "Anua" on the Complainant's website. It contained the text "Experience the Power of Korean Skincare". Among the products offered for sale on the UK Website were a set of ANUA branded products using the text "ANUA OFFICIAL EXCLUSIVE KOREAN GLASS SKIN ROUTINE". Contact details provided on the UK Website, included a physical address in London, United Kingdom.

4.5 The Domain Name <anuashopco.com> was registered on January 27, 2025. It has also been used since registration for a website that purports to sell the Complainant's products, but offering those products for sale in USD (the "US Website"). The ANUA mark appeared prominently at the top of the website, albeit in a font that is slightly different from that used for either the Complainant's registered trade mark or on the Complainant's website. Underneath the mark was a banner that described "Anua" as the "RATED #1 K BEAUTY BRAND". The products offered for sale on the US Website also included a set of ANUA branded products using the text "ANUA OFFICIAL SHOP EXCLUSIVE KOREAN GLASS SKIN ROUTINE", although the set offered for sale appears to have been slightly different from that offered on the UK Website. The US Website also displayed the notice "© 2025 AnuaShop Copyright".

4.6 Both of the UK Website and the US Website operated from the same IP address and were hosted on Shopify Inc.'s servers. They also each promote payments through Shop Pay.

---

<sup>1</sup>The Complainant does appear to be the owner of more recent trade mark registrations for the term "Anua" that takes the same form as that used on the Complainant's website, although these are not expressly relied upon by the Complainant in these proceedings.

4.7 Although each of the UK Website and US Website were active at the time that the Complainant submitted its Complaint, neither appear to be operational as at the date of this Decision.

## **5. Parties' Contentions**

### **A. Complainant**

5.1 The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Names. It also contends (as is discussed in greater detail in the Consolidation section of this Decision) that notwithstanding the differing registration details provided by the Registrar, the Domain Names are owned by the same entity.

5.2 So far as the requirements of the Policy are concerned the Complainant contends that its mark is reproduced in its entirety in each of the Domain Names and that the Respondents' activities involve the deliberate and fraudulent impersonation of the Complainant.

### **B. Respondents**

5.3 The Respondents did not reply to the Complainant's contentions.

## **6. Discussion and Findings**

### **A. Consolidation: Multiple Respondents**

6.1 The Complaint clearly contends that that notwithstanding that the Domain Names have nominally different registrants, the registrant of each of the Domain Names is in fact the same and that the proceedings should be allowed to continue in respect of both of the Domain Names.

6.2 Allowing proceedings to continue in such circumstances is described as "consolidation" in section 4.11 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"). As section 4.11.2 of the [WIPO Overview 3.0](#) records, when considering whether proceedings can proceed in respect of nominally different registrants a panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) this would be fair and equitable to all Parties. (See also the Panel's decision in *Meta Platforms, Inc., Instagram, LLC, WhatsApp, LLC v. Domains By Proxy, LLC and others*, WIPO Case No. [D2022-0212](#) for a more detailed explanation of the basis of "consolidation" by reference to the text of paragraphs 4(d) and (f) of the UDRP and paragraphs 3(c) and 10(e) of the Rules).

6.3 In this case, although there are notable differences between the form of the UK Website and US Website, the Panel accepts the Complainant's contention that the registrant of each of the Domain Names is the same, or at least that the Domain Names are under common control. The reasons for this are as follows:

- (i) The two Domain Names were registered within a few weeks of each other.
- (ii) The two Domain Names are inherently very similar both comprising a combination of the Complainant's mark, the word "shop" and the ".com" generic Top-Level Domain ("gTLD").
- (iii) Both Domain Names were registered with the same Registrar.
- (iv) Both Domain Names have been used for websites that (for reasons that are set out in greater detail later on in this Decision) in a similar manner impersonate the Complainant.

(v) Both websites operating from the Domain Names use the same IP address, were hosted on Shopify Inc.'s servers and promote payments through Shop Pay.

(vi) The US Website includes a copyright notice that appears to refer to "AnuaShop", which is the name used by the UK Website (as opposed to "AnuaShopCo").

(vii) The Complainant has unambiguously asserted and alleged that the Domain Names have been registered by the same registrant and this has not been denied by any person. Not only has no entity submitted a formal Response denying this allegation in these proceedings, but as far as the Panel is aware this has not been denied even informally by any person claiming to have an interest in either of the Domain Names.

6.4 As regards fairness and equity, the Panel sees no reason why allowing these proceedings to continue as a single set of proceedings would be unfair or inequitable to any Party.

6.5 Accordingly, the Panel decides that these proceedings can continue in a single set of proceedings, notwithstanding the nominally different Domain Name registrants (referred to below as "the Respondent") in this case.

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

6.6 It is generally 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 trade mark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

6.7 The Complainant has shown rights for the purposes of the Policy in a number of registered trade marks, the dominant element of which is the term "Anua". [WIPO Overview 3.0](#), section 1.2.1.

6.8 The entirety of the term "Anua" is reproduced within the Domain Names. Accordingly, the Panel finds the Complainant's marks are recognisable within the Domain Names and that each of the Domain Names is confusingly similar to the Complainant's marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

6.9 Although the addition of other terms (in this case, the words "shop" and in the case of one of the Domain Names, the term "co") may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the Domain Name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

6.10 The Panel finds the first element of the Policy has been established.

## **C. Rights or Legitimate Interests and Registered and Used in Bad Faith**

6.11 It is usual for panels under the Policy to consider the issues of rights or legitimate interests and registration and use in bad faith in turn. However, in this case it is more convenient to consider those issues together. [WIPO Overview 3.0](#), section 2.15.

6.12 The Domain Names in this case can most sensibly be read as a combination of the ANUA trade mark, the word "shop" and in the case of one of the Domain Names the term "co" (and the ".com", gTLD), with the term "co" being understood as an abbreviation of and alternative word for "company". That this was the intention of the Respondent is also clear from the websites that have operated from the Domain Names, which purported to offer for sale the Complainant's products.

6.13 Further, the Panel accepts that the way in which the Domain Names have been used, and in particular each of the websites operating from the Domain Names, was deceptive and deliberately so. Not only do the websites fail to disclose who is operating that website (as to which see *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)), but each of the websites has used in in at least one place the language “Anua Official Shop”. The use of the word “official” is likely to be understood, and the Panel has no doubt that the Respondent intended it to be understood, by Internet users as a statement that this website is operated by the Complainant (or at least authorised by the Complainant), when it was not.

6.14 There is no right or legitimate interest in holding and using a domain name to deliberately mislead Internet users into believing that a domain name is held and being used by a trade mark owner when it is not ([WIPO Overview 3.0](#), section 2.13.1) and such holding and use provides positive evidence that no such rights or legitimate interests exist. The registration and use of a domain name for such a purpose is also registration and use in bad faith (see [WIPO Overview 3.0](#), sections 3.1.4). The Respondent’s operation of the websites from the Domain Names also falls within the circumstances evidencing bad faith registration and use set out at paragraph 4(b)(iv) of the Policy.

## 7. Decision

7.1 For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the Domain Names <anuashopco.com> and <anuashop.com> be transferred to the Complainant.

*/Matthew S. Harris/*

**Matthew S. Harris**

Sole Panelist

Date: April 14, 2025