

## **ADMINISTRATIVE PANEL DECISION**

Kia America, Inc. v. Baek Seunghwan  
Case No. D2025-1050

### **1. The Parties**

The Complainant is Kia America, Inc., United States of America (“United States or U.S.”), represented by Hanson Bridgett LLP, United States.

The Respondent is Baek Seunghwan, Republic of Korea.

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

The disputed domain name <kia-sorento-rent.store> is 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 March 14, 2025. On March 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 17, 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 (Domain Admin) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 17, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint.

On March 17, 2025, the Center informed the Parties in Korean and English, that the language of the Registration Agreement for the disputed domain name is Korean. On March 27, 2025, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 in English and Korean on March 31, 2025. In accordance with

the Rules, paragraph 5, the due date for Response was April 20, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 22, 2025.

The Center appointed Moonchul Chang as the sole panelist in this matter on April 30, 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 United States automotive company that offers a range of gasoline, hybrid, plug-in hybrid and electric vehicles sold through a network of over 750 automotive dealerships in the U.S. The Complainant is the exclusive United States distributor of Kia vehicles and licensee of numerous KIA, KIA-formative, and SORENTO marks owned by Kia Corporation, based in the Republic of Korea. One of the Complainant's popular vehicle lines is its Sorento line.

The Complainant owns KIA-formative trademark registrations in its own name, and the Kia Corporation owns thousands of KIA, KIA-formative, and SORENTO trademark registrations in the United States, Republic of Korea, and throughout the world in connection with vehicles and related goods and services.

- The United States Registration for KIA, No. 1,723,608, registered on October 13, 1992;
- The United States Registration for KIA (figurative), No. 3,867,593, registered on October 26, 2010; and
- The United States Registration for KIA ACCESS, No. 6,980,563, registered on February 14, 2023.

The Complainant's main website for Kia automobiles in the United States is "www.kia.com".

The disputed domain name was registered on October 5, 2024 and resolves to a website displaying short blog posts containing health and nutrition recommendations.

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

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

The Complainant contends that:

- (a) the disputed domain name is confusingly similar with the KIA trademarks, which incorporates the entirety of the Complainant's KIA SORENTO marks;
- (b) the Respondent has no rights or legitimate interests in the disputed domain name; and
- (c) the disputed domain name was registered and is being used in bad faith. The Respondent uses the disputed domain name intentionally to attract Internet users interested in the Complainant and Kia Sorento vehicles to enter the Respondent's website.

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 did not reply to the Complainant's contentions.

#### **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 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 for following reasons:

(i) the disputed domain name is expressed in English. The term "rent" in the disputed domain name is an English-language term, as is the term "store." This shows that the Respondent has demonstrated its ability to communicate in English; (ii) Further, the webpage associated with the disputed domain is a WordPress account, with English-language wording. On the other hand, Complainant's representatives are unable to communicate in Korean; and (iii) the disputed domain name is used as part of a typosquatting and redirection scheme to deliberately misdirect users seeking the Complainant's website and Kia Sorento vehicles into visiting a third-party website comprised of a blog that is unrelated to Complainant's established trademarks, goods, and services. Accordingly, the Complainant requests that the proceeding in this matter be conducted in English.

The Respondent did not comment on 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 Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), 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

The disputed domain name includes the Complainant's trademark KIA in its entirety together with the addition of the brand name of the Complainant's Sorento vehicles plus the term "rent".

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 trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

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

Although the addition of other terms, here, "sorento" and "rent", 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 disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

In addition, the generic Top-Level Domain (“gTLD”) “.store” is disregarded under the first element test. [WIPO Overview 3.0](#), section 1.11.1.

Accordingly, the Panel finds the first element of the Policy has been established.

## **B. Rights or Legitimate Interests**

Under paragraph 4(a)(ii) of the Policy, the overall burden of proof is on the Complainant. However, once the Complainant presents a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name, the burden of production shifts to the Respondent. [WIPO Overview 3.0](#), section 2.1.

Firstly, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s contention 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. 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.

Secondly, in this case the disputed domain name resolves to a website displaying blog posts containing health and nutrition recommendations unrelated to the KIA trademark and its Sorento’s goods. The Complainant contends that the Respondent deliberately misdirects users seeking the Complainant’s website and Kia Sorento vehicles into visiting a third-party website comprised of a blog that is unrelated to the Complainant’s established trademarks, goods, and services. The Panel finds that the Respondent does not use it in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use of domain name. [WIPO Overview 3.0](#), section 2.4.

Thirdly, there is no evidence to suggest that the Respondent has been commonly known by the disputed domain name. In the consideration of the above circumstances the Panel finds that the Complainant has made out a prima facie case and the Respondent failed to come forward with any appropriate evidence that might rebut the Complainant’s prima facie case.

Accordingly, the Panel finds the second element of the Policy has been established.

## **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 or 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 3.0](#), section 3.2.1.

Firstly, the Complainant obtained the registration of trademark much earlier than the Respondent registered the disputed domain name. Having noted the composition of the disputed domain name which includes the Complainant’s well-known trademark KIA in its entirety, together with the additional terms “sorento” and “rent”, which may refer to renting of Kia Sorento vehicles, it is highly likely that the Respondent has been aware of the Complainant’s KIA mark and Kia Sorento’s goods. Thus, the Panel considers that the Respondent deliberately chose the disputed domain name to create a likelihood of confusion with the Complainant’s trademark, which is evidence of bad faith registration.

Secondly, as above mentioned, the disputed domain name resolves to a website displaying blog posts containing health and nutrition recommendations. The Complainant contends that the Respondent deliberately misdirects users seeking the Complainant’s website and Kia Sorento vehicles into visiting a third-party website comprised of a blog that is unrelated to Complainant’s established trademarks, goods,

and services. This indicates that by using the disputed domain name which composition may make Internet users into thinking that the website at the disputed domain name would be related to renting of the Complainant's Kia Sorento vehicles, the Respondent has intentionally attempted to attract Internet users to its website by creating a likelihood of confusion with the Complainant's mark. In these circumstances the Panel considers that the Respondent's use of the disputed domain name constitutes bad faith.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy. Accordingly, the Panel concludes that the Complainant has satisfied the third element of 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 <kia-sorento-rent.store> be transferred to the Complainant.

/Moonchul Chang/

**Moonchul Chang**

Sole Panelist

Date: May 14, 2025