

## **ADMINISTRATIVE PANEL DECISION**

MATINKIM Inc. v. yu guo

Case No. D2025-1431

### **1. The Parties**

The Complainant is MATINKIM Inc., Republic of Korea, represented by Marq Vision, Inc., United States of America.

The Respondent is yu guo, China.

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

The disputed domain name <matinkimtw.com> is registered with Internet Domain Service BS Corp (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 8, 2025. On April 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 9, 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 / Whois Privacy Corp.) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 10, 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 April 14, 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 paragraphs 2 and 4 of the Rules, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on April 15, 2025. In accordance with paragraph 5 of the Rules, the due date for Response was May 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 7, 2025.

The Center appointed Yuji Yamaguchi as the sole panelist in this matter on May 14, 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 paragraph 7 of the Rules.

#### **4. Factual Background**

The Complainant is a company that produces and distributes a wide range of products, including women's apparel, bags, and fashion accessories.

The Complainant holds registered MATIN KIM trademarks (the "MATIN KIM Trademarks") in various jurisdictions worldwide, including International trademark No. 1791432 (registered on September 25, 2023), Australia Trademark No. 2454219 (registered on September 25, 2023) and Republic of Korea Trademark No. 4021706830000 (registered on March 19, 2024). The Complainant actively promotes its brand and trademark through its official website <matinkim.com>.

The disputed domain name was registered on February 8, 2025. At the time of filing the Complaint, the disputed domain name resolved to a website prominently featuring the Complainant's MATIN KIM Trademarks, purporting to offer for sale the Complainant's branded products using product photos from the Complainant's official website as well as providing the same or similar services as the Complainant. Currently, the disputed domain name resolves to an inactive website displaying a warning page stating inter alia: "Sorry, you have been blocked", with the following text: "This website is using a security service to protect itself from online attacks. The action you just performed triggered the security solution."

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

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

The Complainant contends that it has satisfied each of the elements required under the Policy for the transfer of the disputed domain name. Notably, the Complainant's contentions may be summarized as follows:

Despite the inclusion of the term, "tw", and the generic Top-Level Domain ("gTLD") extension, ".com", these additions do not diminish the confusing similarity to the Complainant's MATIN KIM Trademark. The term "tw", referencing Taiwan, China, aligns with the ISO 3166 country codes standard by the International Organization for Standardization. This creates a false impression of regional affiliation and local authenticity, enhancing perceptions of geographical relevance. Combined with the website's content and the incorporation of "tw" alongside the MATIN KIM Trademark, it results in a domain name that closely imitates the Complainant's MATIN KIM Trademark and identity.

The Complainant has never licensed or otherwise authorized the Respondent to use its MATIN KIM Trademarks or to register any domain name incorporating the Complainant's MATIN KIM Trademark. The Respondent is not known by the disputed domain name, has no relationship with the Complainant, and has no prior right or legitimate interest justifying the use of the Complainant's well-known trademarks and domain names. Furthermore, the Respondent's use of the disputed domain name appears to impersonate the Complainant and does not constitute a bona fide offering of goods or services.

Given the renowned and distinctive nature of the MATIN KIM Trademarks and descriptions on the Complainant's official website, it is evident that at the time of registration, the Respondent must have been aware of the Complainant and its MATIN KIM Trademarks. Moreover, a simple trademark search or Internet query would have revealed the Complainant's MATIN KIM Trademark registrations. The Respondent has used the Complainant's MATIN KIM Trademark to promote and sell their products for commercial gain, clearly showing that the Respondent was aware of the Complainant and its MATIN KIM Trademark, thus

demonstrating bad faith. It is implausible to believe that the Respondent was unaware of the Complainant or its MATIN KIM Trademark when registering the disputed domain name. Such tactics cause significant confusion among users regarding the website's true affiliation and involve intentional misuse of the Complainant's MATIN KIM Trademarks, leveraging the reputation and goodwill for unauthorized activities such as impersonation/passing off and phishing, thereby posing substantial risks to user safety.

## **B. Respondent**

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

## **6. Discussion and Findings**

In accordance with paragraph 4(a) of the Policy, the Complainant must assert and prove the following three elements are present:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

(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.

### **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 (see section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#))).

The disputed domain name incorporates the Complainant's MATIN KIM Trademark (without the space between the two words) in its entirety with the addition of two letters "tw" and the gTLD ".com".

The letters "tw" may be used as an abbreviation for Taiwan, China. Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element in paragraph 4(a) of the Policy (see section 1.8 of the [WIPO Overview 3.0](#)). The gTLD ".com" may be disregarded for the purpose of assessment of confusing similarity under the first element in paragraph 4(a) of the Policy (see section 1.11.1 of the [WIPO Overview 3.0](#)). The addition of the suffix of "tw" to the Complainant's MATIN KIM Trademark does not prevent a finding of confusing similarity, especially when the trademark remains recognizable as Internet users may mistake the Respondent's website as the Complainant's official website devoted to its customers in Taiwan, China (see *Compiere Inc. v. WEI, YAO*, WIPO Case No. [D2007-0331](#)).

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's MATIN KIM Trademark.

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

The Complainant asserts that the Complainant has never licensed or otherwise authorized the Respondent to use its MATIN KIM Trademarks or to register any domain name incorporating the Complainant's MATIN KIM Trademark. As the Complainant asserts, there is no evidence that the Respondent is commonly known by the disputed domain name pursuant to paragraph 4(c)(ii) of the Policy, and the Respondent's use of the disputed domain name constitute a bona fide offering of goods or services pursuant to paragraph 4(c)(i) of the Policy.

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

Although the overall burden of proof in the proceedings is on the complainant, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on the second element in paragraph 4(a) of the Policy 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 in paragraph 4(a) of the Policy (see section 2.1 of the [WIPO Overview 3.0](#)).

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.

Consequently, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

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

The Panel recognizes that the Complainant is a globally recognized fashion brand known for its contemporary women's apparel, bags, and accessories and the brand has garnered significant attention from both domestic and international consumers, particularly in the fashion sector, due to its distinctive minimalist aesthetic and high-quality products. The disputed domain name wholly incorporates the Complainant's MATIN KIM Trademark and appends "tw", a designation commonly associated with Taiwan, China, suggesting affiliation or official representation. This deliberate combination demonstrates an intent to trade off the goodwill associated with the Complainant by creating a likelihood of confusion with the Complainant's MATIN KIM Trademark to mislead consumers into believing that the disputed domain name is authorized or endorsed by the Complainant.

According to the evidence submitted by the Complainant, the Complainant's MATIN KIM Trademark is being used on the website at the disputed domain name to create the false impression of affiliation with the Complainant's official website, thereby deceiving consumers. The website at the disputed domain name, by purporting to offer the same or similar services as the Complainant and deliberately using product photos of the Complainant's goods, provides further evidence of its intent to deceive consumers. This deliberate misrepresentation aims to create the false impression that the Respondent is affiliated with or represents the Complainant, thereby exploiting the disputed domain name for commercial gain within the meaning of paragraph 4(b)(iv) of the Policy.

The Respondent's unauthorized use of the Complainant's MATIN KIM Trademark constitutes clear evidence of deliberate impersonation, reflecting bad faith in both the registration and use of the disputed domain name. The Respondent has directly copied the contact details displayed in the footer of the Complainant's official website, including the email address and telephone number. Additionally, the Respondent falsely asserts copyright ownership by including the statement: "Copyright © 2024, built with love by Matin Kim Official Website". Furthermore, the Respondent has reproduced product images from the Complainant's website, evidently intending to mislead consumers into believing that the disputed domain name is affiliated with or officially endorsed by the Complainant. The Frequently Asked Questions section of the website at the disputed domain name further identifies themselves as the Complainant's official website. These deceptive practices clearly fall within the scope of paragraph 4(b)(iv) of the Policy.

Panels have held that the use of a domain name for illegal activity, here, claimed as impersonation/passing off, constitutes bad faith (see section 3.4 of the [WIPO Overview 3.0](#)).

Furthermore, the Respondent's use of a privacy or proxy service to mask its contact information from the Whois record further demonstrates bad faith. By registering the disputed domain name using a privacy or proxy service, the Respondent's actions indicate an intent to conceal its identity. While privacy shields can be legitimate in some cases, it is difficult to see why the Respondent would need to protect its identity except to frustrate the proceedings or make it difficult for the Complainant to protect its trademarks.

In conclusion, the Panel finds that the disputed domain name has been registered and is being used in bad faith.

## **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 <matinkimtw.com> be transferred to the Complainant.

*/Yuji Yamaguchi/*

**Yuji Yamaguchi**

Sole Panelist

Date: May 28, 2025