

## **ADMINISTRATIVE PANEL DECISION**

**Scheidt & Bachmann GmbH v. PassionforParking Inc**  
**Case No. D2025-1489**

### **1. The Parties**

The Complainant is Scheidt & Bachmann GmbH, Germany, represented by COHAUSZ & FLORACK Patent- und Rechtsanwälte Partnerschaftsgesellschaft mbB, Germany.

The Respondent is PassionforParking Inc, Republic of Korea.

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

The disputed domain name <passionforparking.com> is registered with Megazone Corp., dba HOSTING.KR (the “Registrar”).

### **3. Procedural History**

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on April 11, 2025. On April 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 18, 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 (Jinsoo Yoon) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 28, 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 the first amended Complaint and on April 29, 2025 and second amended Complaint on May 5, 2025.

On May 1, 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 May 5, 2025, the Complainant requested English to be the language of the proceeding. The Respondent requested Korean to be the language of the proceeding.

The Center verified that the Complaint together with the first and second amended Complaints 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 English and Korean, and the proceedings commenced on May 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 27, 2025. The Response was filed with the Center on June 5, 2025.

The Center appointed Kathryn Lee as the sole panelist in this matter on June 17, 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.

On July 1, 2025, the Center issued a procedural order (the “Procedural Order”) to the Parties on the Panel’s behalf. In the Procedural Order, the Panel requested from the Respondent explanations on its selection of the disputed domain name and the change of the registrant name. From the Complainant, the Panel requested a response to the Respondent’s submissions on the change in registrant name, as well as a further explanation on why the Complainant considers the disputed domain name to have been registered to target its mark and not for any descriptive purpose. The Complainant filed a response on July 10, 2025, and the Respondent did not file any response.

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

The Complainant appears to be a company with an address in Germany. The Complainant owns the following registrations for the mark PASSION FOR PARKING: European Union Trade mark Registration No. 018089953 registered on March 4, 2020, United Kingdom Trade mark Registration No. UK00003439284 registered on January 17, 2020, and United Kingdom Trade mark Registration No. UK00918089953 registered on March 4, 2020.

The Respondent appears to be an individual/entity with an address in the Republic of Korea.

The disputed domain name was registered on September 17, 2022, and as of the date of the filing of the Complaint, resolved to a website displaying pay-per-click (“PPC”) links to terms “Book Parking Online”, “Parking Aeroport”, and “Parking Aeroport Nantes.”

#### **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 is identical to the PASSION FOR PARKING trademark in which the Complainant has rights.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name and confirms that it has not authorized or licensed rights to the Respondent in any respect. The Complainant further contends that there is no evidence of the Respondent’s use of, or demonstrable preparations to use the disputed domain name in providing any bona fide offering of goods or services, nor any evidence that the Respondent has been commonly known by the disputed domain name, or a legitimate noncommercial or fair use of the disputed domain name by the Respondent. The Complainant further contends that the Respondent has linked the disputed domain name to a website that offers the disputed domain name for sale and displays PPC links to third-party websites offering goods or services similar to those offered by the Complainant using its trademark: “Parkraum Bewirtschaftung”, “Flug Tickets”, and “Flughafen Parkplatz” (“parking management”, “flight tickets”, and “airport parking” in English). The Complainant contends that such use demonstrates a clear intent to trade off the goodwill associated with the Complainant’s mark and creates a likelihood of confusion and diverts users for commercial gain, which

undermines the Complainant's rights. The Complainant further contends that the disputed domain name is offered for sale, which indicates that the Respondent purchased it primarily for the purpose of selling it to the Complainant or a competitor.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant contends that its PASSION FOR PARKING mark has worldwide recognition and that the Respondent very likely knew of the Complainant and its trademark rights, and that it registered the disputed domain name in order to exploit those rights by attempting to sell the disputed domain name to the Complainant for profit. In addition, the Complainant contends that the disputed domain name is being held passive which also reflects on its bad faith use.

In the response to the Procedural Order, the Complainant argued that the disputed domain name is being used in a manner that conflicts with the Complainant's rights and interests, pointing out that emails from both the first registrant (Jinsoo Yoon) and the second registrant (the Respondent) show the same display name of "Boosting Inc".

## **B. Respondent**

The Respondent contends that the Complainant has not satisfied the bad faith element required under the Policy for a transfer of the disputed domain name. Specifically, the Respondent contends that it obtained the disputed domain name in order to develop an application providing information on parking lots in the Republic of Korea, and that it has never attempted to sell the disputed domain name to the Complainant.

## **6. Discussion and Findings**

### **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 proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the Complainant is unable to communicate in Korean, that proceeding in English would promote efficiency and fairness given that English is the international language of business, and that preparing a translation of the Complaint would burden the Complainant financially.

The Respondent requested that the language of the proceeding be Korean, claiming that he does not know English and that proceeding in English would unfairly disadvantage him.

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). Here, the Complainant is a German company and the Respondent, a Korean company, so English would seem to be the neutral and fair language for both parties. Further, the Respondent had an opportunity to, and did, in fact, submit a response in Korean, which the Panel considered despite the late submission.

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.

## **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 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 identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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. Further, the Respondent did not respond to the Panel's order for information on why the Respondent registered the disputed domain name.

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 notes that the disputed domain name is composed of a combination of words which is not a common English expression and therefore would be viewed as having distinctiveness. Although the record does not indicate that the Complainant's mark is particularly famous, the Complainant's marks were registered two years before the Respondent's registration of the disputed domain name and therefore it is altogether possible for the Respondent to have learned of the Complainant's trademarks on the trademark databases or from the Complainant's use of the mark in business.

In addition, the record shows that the Respondent engaged in cyberflight which UDRP panels have held is in itself a clear indication of bad faith registration and use under paragraph 4(b) of the Policy (*Kirkbi AG v. Company Require / Karlina Konggidinata and Pool.com, Inc.*, WIPO Case No. [D2004-0359](#)). The use of the same display name "Boosting Inc" shown in the email addresses of emails from both the first registrant and

the second registrant indicates that the two are closely connected if not the same individual, and that the disputed domain name was transferred to an alternate identity or a close associate in order to frustrate and delay the domain name proceeding. The Respondent may have also attempted to obscure the connection to Jinsoo Yoon who has a number of negative UDRP decisions against him which shows a pattern of bad faith conduct.

Further, the Respondent did not submit any explanation for the registrant change nor its reason for registering the disputed domain name, and given the case circumstances the Panel finds it more likely that the Complainant is being targeted.

The Panel finds that the Complainant has established 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 <passionforparking.com> be transferred to the Complainant.

*/Kathryn Lee/*

**Kathryn Lee**

Sole Panelist

Date: July 28, 2025