

ADMINISTRATIVE PANEL DECISION

The Founders Inc. v. adam three, OWN
Case No. D2025-1879

1. The Parties

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

The Respondent is adam three, OWN, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <anuakorea.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 12, 2025. On May 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 12, 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 May 15, 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 May 16, 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 May 23, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 12, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 18, 2025.

The Center appointed Halvor Manshaus as the sole panelist in this matter on June 27, 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 company engaged in global commerce and is the proprietor of the skincare brand “Anua”, which is marketed in over 130 countries. The Complainant holds the international trademark registration No. 1546316 (ANUA) registered on July 1, 2020, under class 3 for a range of goods including beauty care cosmetics and eyebrow cosmetics. The Complainant’s brand “Anua” has received industry recognition and is promoted at the Complainant’s official website at the domain name <anua.kr>.

The disputed domain name was registered on February 1, 2025, and resolves to a website offering goods similar to those of the Complainant and features the Complainant’s trademark as well as images of its products.

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 confusingly similar to its trademark. The disputed domain name incorporates the Complainant’s trademark in its entirety, with the inclusion of the geographical term “korea” and the Top-Level Domain “.com”. These additions do not diminish the confusing similarity to the Complainant’s trademark. On the contrary, the inclusion of the geographical term “korea” enhances the resemblance as it indicates that the disputed domain name is affiliated with or operated by the Complainant.

Moreover, the Complainant argues that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not commonly known by the disputed domain name, holds no trademark or service mark rights in connection with it, and has not been authorized by the Complainant to use its mark. Additionally, the Respondent is not making a bona fide offering of goods or services under the disputed domain name.

The Complainant asserts that the disputed domain name was registered and is being used in bad faith. The Complainant contends that the Respondent must have been aware of the Complainant and its trademark at the time of registration, either through its distinctive nature or as a result of a simple Internet or trademark search. The Complainant argues that the Respondent is using the disputed domain name to deliberately impersonate the Complainant by displaying its trademark and product photos and offering similar goods as the Complainant to create a false impression that the Respondent is affiliated with or represents the Complainant for commercial gain. Moreover, the Complainant contends that the Respondent is using the disputed domain name to deceive Internet users by featuring a checkout page that misleads customers into believing they are purchasing the Complainant’s products, thereby creating a risk that users may unknowingly share their personal information.

B. Respondent

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

6. 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 of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[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, "korea", 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 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.

Moreover, Panels have held that the use of a domain name for illegal activity here, claimed as applicable to this case impersonation/passing off can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. Furthermore, the composition of the disputed domain name coupled with its website carry a risk of implied affiliation with the Complainant.

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.

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.

In the present case, the Panel notes that the Complainant's trademark is well known, and that the disputed domain name resolves to a website displaying the Complainant's trademark, product images, and offering similar goods as the Complainant. Given these circumstances, the Panel finds it unlikely that the Respondent registered and used the disputed domain name without knowledge of the Complainant and its rights in the mark.

Panels have held that the use of a domain name for illegal 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 constitutes bad faith under the Policy. The website hosted on the disputed domain name displays prominently the Complainant's trademark in a manner that is creating a false impression of affiliation between the Complainant and the Respondent. Moreover, the use of a checkout page further supports a bad faith finding as it indicates that the disputed domain name may be used to deceive Internet users into disclosing their personal information.

Accordingly, 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 <anuakorea.com> be transferred to the Complainant.

/Halvor Manshaus/

Halvor Manshaus

Sole Panelist

Date: July 11, 2025