

ADMINISTRATIVE PANEL DECISION

Pharmacure Health Care International AB v. Mikyeong Kim Case No. D2025-2088

The Complainant is Pharmacure Health Care International AB, Sweden, represented by Zacco Sweden AB, Sweden.

The Respondent is Mikyeong Kim, Republic of Korea.

2. The Domain Name and Registrar

The disputed domain name <nozoil.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 May 27, 2025. On May 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 28, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

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 in English and Korean of the Complaint, and the proceedings commenced on June 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 30, 2025. On June 16, 2025 and June 24, 2025, a third party sent emails to the Center. The Respondent did not submit any response. On July 3, 2025, the Center notified the Parties that it would proceed to panel appointment.

The Center appointed Moonchul Chang as the sole panelist in this matter on July 10, 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, Pharmacure Health Care International AB, is an international company that develops innovations and products for nasal health. Since the company was founded in Sweden in 2013, it has globally grown as a distributor and reseller in Africa, the Americas, Asia, Europe, the Middle East, and Oceania.

The Complainant owns the trademarks NOZOIL, which were registered in numerous jurisdictions including Argentina, New Zealand and internationally as follows,

- International Registration for NOZOIL, No. 1000064A, registered on April 15, 2009, designating several jurisdictions including Republic of Korea;
- New Zealand Registration for NOZOIL, No. 784075, registered on October 9, 2008; and
- Argentina Registration for NOZOIL, No. 2297933, registered on June 19, 2009.

The disputed domain name was registered on January 9, 2011. According to the Whois history provided by the Complainant, the Respondent gained control over the disputed domain name on or around February 10, 2025. The disputed domain name is offered for sale on Sedo.com where users are invited to submit an offer at a minimum of USD 900.

5. Parties' Contentions

A. Complainant

The Complainant contends that:

- (a) the disputed domain name is identical to the Complainant's trademark NOZOIL.
- (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 registered and has used the disputed domain name, primarily for the purpose of selling the disputed domain name to the Complainant, who is the owner of the equivalent trademark, for valuable consideration in excess of the Respondent's documented out-of-pocket costs directly related to the disputed domain name.

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. On June 16, 2025 and June 24, 2025, the Center received emails from a third party requesting a copy of the Notification of Complaint. The Center requested both the third party and the Respondent to clarify their relationship (if any), however, no response was received.

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. Preliminary Issue: 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 consists of English trademark in Latin characters; (ii) the Respondent has published the disputed domain name for sale in English on several international websites not available in the Korean language; and (iii) it would be cumbersome, costly, and delay the process, if the Complainant would be required to translate and file the Complaint in the Korean language. Accordingly, the Complainant requests that the proceeding in this matter be conducted in English. The Respondent did not make any specific submissions with respect to 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 NOZOIL in its entirety. 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.) In addition, the generic Top-Level Domain ("gTLD") ".com" is disregarded under the first element test. ([WIPO Overview 3.0](#), section 1.11.1)

Accordingly, the disputed domain name is identical to the disputed domain name for the purposes of the Policy.

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 of evidence 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, the Complainant contends that the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services. Instead, the Respondent offers the sale for the disputed domain name on Sedo.com. 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 the disputed domain name under the circumstances of this case. ([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.

Fourthly, the composition of the disputed domain name, being identical to the Complainant's trademark, carries a high risk of implied affiliation with the Complainant. ([WIPO Overview 3.0](#), section 2.5.1)

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 trademark NOZOIL in its entirety, it is highly likely that the Respondent has been aware of the Complainant's NOZOIL mark and its goods. Thus, the Panel considers that the Respondent deliberately chose the disputed domain name and registered it in bad faith.

Secondly, as above mentioned, the disputed domain name is offered for sale on Sedo.com. The Complainant contends that the Respondent registered and has used the disputed domain name, primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name to the Complainant, who is the owner of the equivalent trademark, for valuable consideration in excess of the Respondent's documented out-of-pocket costs directly related to the disputed domain name. The Panel considers that the Respondent's use of the disputed domain name constitutes bad faith under paragraph 4(b)(i) of the Policy. 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 <nozoil.com> be transferred to the Complainant.

/Moonchul Chang /

Moonchul Chang

Sole Panelist

Date: July 24, 2025