

## **ADMINISTRATIVE PANEL DECISION**

JetBrains s.r.o. v. JUNGYUHKOOK

Case No. D2025-2122

### **1. The Parties**

The Complainant is JetBrains s.r.o., Czech Republic, represented by The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC, United States of America ("United States").

The Respondent is JUNGYUHKOOK, Republic of Korea.

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

The disputed domain name <datalore.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 29, 2025. On May 30, 2025, the Center transmitted to the Registrar a request for registrar verification in connection with the disputed domain name. On June 2, 2025, the Registrar transmitted 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, in both English and Korean, formally notified the Respondent of the Complaint, and the proceeding commenced on June 5, 2025. In accordance with the Rules, paragraph 5, the due date for the Response was June 25, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 2, 2025.

The Center appointed Professor Ilhyung Lee 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 identifies itself as “a global software company founded in 2000 that specializes in the creation of intelligent, productivity-enhancing tools for software developers,” and states that its “DataLore product, launched in 2018, provides collaborative data science and data exploration for teams.” The Complainant owns a number of DATALORE marks for its products, which are registered in various jurisdictions, including the Czech Republic (registration number 371,338, registered on February 6, 2019), China (registration number 34,281,713, registered on June 28, 2019), and International Registration (registration number 1,449,298, registered on October 5, 2018, designating several jurisdictions, inter alia, Republic of Korea). In the United States, the Complainant registered JETBRAINS DATALORE (registration number 6,381,708, registered on June 8, 2021). The Complainant is also the registrant of the domain name <jetbrains.com>, registered on November 9, 2001, which extends to “jetbrains.com/datalore”, where the Complainant provides more details about its DATALORE product.

The disputed domain name <datalore.com> was registered on January 11, 2020. The disputed domain name resolves to a website with pay-per-click links.

#### **5. Parties’ Contentions**

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

The Complainant contends principally that: (i) the disputed domain name is identical or confusingly similar to a mark in which the Complainant has rights; (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. In addition, the Complaint states, inter alia:

“Respondent is using the Disputed Domain Name in connection with a pay-per-click (“PPC”) or monetized parking page that includes links for various goods and services.”

“Respondent is a serial cybersquatter that has lost numerous proceedings under the Policy ....”

“Complainant has never assigned, granted, licensed, sold, transferred or in any way authorized the Respondent to register or use the DATALORE Trademark in any manner.”

“At least one security vendor has reported that visiting the Disputed Domain Name is ‘not recommended’ ....”

##### **B. Respondent**

The Respondent did not reply to the Complainant’s contentions. Under paragraphs 5(f) and 14(a) of the Rules, the Panel may decide the dispute based on the Complaint. Paragraph 14(b) allows the Panel to draw appropriate inferences from the Respondent’s default.

#### **6. Discussion and Findings**

##### **6.1 Preliminary Issue: Language of the Proceeding**

Paragraph 11(a) of the Rules provides that the language of the registration agreement shall be the language of the administrative proceeding, unless otherwise agreed by the parties or specified in the registration agreement. This provision also states that the determination of the proper language is “subject to the authority of the Panel ..., having regard to the circumstances of the administrative proceeding”. Here, although the language of the registration agreement is Korean, the Complaint was filed in English. The Complainant apparently requested that English be the language of the proceeding, stating, “[T]he Disputed

Domain Name consists solely of English words and ... the content on the website associated with the Disputed Domain Name (as discussed below) is entirely in English. Plus, previous panels have conducted proceedings in English where Respondent was a party."

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. Considering all relevant circumstances, the Panel determines that the language of the proceeding shall be English.

## **6.2 Substantive Issues**

### **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's DATALORE mark appears in full and unaltered in the disputed domain name <datalore.com>. The Panel determines that the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The generic Top-Level Domain ("gTLD") ".com", a technical registration requirement, is disregarded in the consideration of this element. [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds that 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 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.

Here, the Complainant states that it has not authorized the Respondent to use the DATALORE mark and has met its initial burden of making a prima facie showing that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The burden shifts to the Respondent to demonstrate any such rights or legitimate interests. Paragraph 4(c) of the Policy provides a non-exhaustive list of circumstances that may demonstrate the Respondent's rights or legitimate interests in the disputed domain name.

The Respondent has defaulted. It 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. The Panel is unable to ascertain any evidence that would demonstrate the Respondent's rights or legitimate interests in the disputed domain name.

The Panel finds that the second element of the Policy has been established.

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

Under paragraph 4(a)(iii) of the Policy, the Complainant must show that the disputed domain name “has been registered and is being used in bad faith”. Paragraph 4(b) provides a non-exhaustive list of circumstances that can satisfy this element. 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.

Here, the disputed domain name resolves to a website featuring pay-per-click links, which is evidence of bad faith. [WIPO Overview 3.0](#), section 3.5. In addition, the Panel notes the relative distinctiveness of the Complainant’s mark, the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, and the implausibility of any good faith use to which the disputed domain name may be put.

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 <datalore.com> be transferred to the Complainant.

*/Ilhyung Lee/*

**Ilhyung Lee**

Sole Panelist

Date: July 24, 2025