

ADMINISTRATIVE PANEL DECISION

Byung Jun An, Jicheol Lee/TIRTIR Inc. v. Borys Kucher
Case No. D2025-2123

1. The Parties

The Complainant is Byung Jun An, Jicheol Lee / TIRTIR Inc., Republic of Korea, represented by Marq Vision Inc., United States of America (“United States”).

The Respondent is Borys Kucher, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <tir-tir.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 May 29, 2025. On May 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 3, 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 / Domain Admin, Whois Privacy Corp.) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 3, 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 June 5, 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 June 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 7, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 8, 2025.

The Center appointed Benoit Van Asbroeck as the sole panelist in this matter on July 18, 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 South Korean company specializing in the beauty and skincare industry, globally recognized for its flagship brand TIRTIR.

The Complainant is the owner of several registered trademarks, among others:

- The Japanese trademark TIRTIR registered on May 7, 2020 under No. 6249694, in International Class 3; and
- The United States trademark TIRTIR registered on March 16, 2021 under No. 6296833, in International Class 35.

Furthermore, the Complainant actively operates its brand through its official website accessible via the domain name <tirtir.global>.

The disputed domain name <tir-tir.com> was registered on March 19, 2024. The domain name incorporates the Complainant's trademark TIRTIR in its entirety, with the insertion of a hyphen. The website prominently uses the Complainant's TIRTIR trademark and claims to offer products identical or similar to those of the Complainant.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is confusingly similar to the TIRTIR trademark in which the Complainant has rights. The Complainant argues that the disputed domain name incorporates the Complainant's trademark TIRTIR in its entirety and that the inclusion of a hyphen and the generic Top-Level Domain ".com" does not diminish the confusing similarity to the Complainant's well-established trademark rights.

Secondly, the Complainant also argues that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant asserts that the Respondent reproduces the TIRTIR trademark without license or authorization. The Complainant contends that: (i) the Respondent is not commonly known by the disputed domain name; (ii) the Respondent has not acquired trademark or service mark rights; (iii) there is no relationship or affiliation between the Complainant and the Respondent which might give rise to any license, permission, or other right by which the Respondent could own or use any domain name incorporating the Complainant's TIRTIR marks; and that (iv) the Respondent is not engaged in a bona fide offering of goods or services but is using the disputed domain name in connection with a website designed to mislead consumers into believing it is affiliated with the Complainant, thereby exploiting the Complainant's trademark for commercial gain.

Thirdly, the Complainant argues that the Respondent registered and is using the disputed domain name in bad faith and that the disputed domain name closely imitates the Complainant's well-known trademark TIRTIR, differing only by a hyphen, which suggests an intent to mislead consumers and benefit from the brand's reputation.

The website associated with the domain uses the Complainant's trademark and product images, creating a false impression of affiliation. It also participates in the Amazon Associates Program, generating revenue by redirecting users to official product pages, further evidence of commercial exploitation. The Complainant also argues that, although the site includes a generic disclaimer, it does not clearly state the lack of affiliation, and its overall presentation remains misleading. The Respondent's use of privacy protection in the Whois record and failure to respond to a formal complaint reinforce the claim of bad faith.

B. Respondent

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

6. Discussion and Findings

6.1 Preliminary Matters

A. Territorial Competence

Since the Respondent's postal address is stated to be in Ukraine, which is subject to an international conflict at the date of this Decision that may impact case notification, it is appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceedings should continue (see *Wilshire Refrigeration & Appliance, Inc. v. Oleksandr Kliuiev, Henryslist.com*, WIPO Case No. [D2024-0962](#)). Having considered all the circumstances of the case, the Panel is of the view that it should. The Panel notes that the Center has used the Respondent's email address as disclosed for the purposes of notifying the Complainant. There is no evidence that the case notification email to this email address was not successfully delivered.

Further, the Respondent apparently registered the disputed domain name as recently as March 2024 and thus would appear to be capable of controlling the disputed domain name and the related content and, having apparently received notification of the Complaint by email, it would have been able to formulate and file a Response if it wished to do so.

Accordingly, the Panel considers it is appropriate to proceed to determine this Complaint.

6.2. On the Merits

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, with the addition of ".com". Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. Additionally, it is well-established that the generic Top-Level Domain ".com" is typically not taken into account for the purpose of assessing confusing similarity under the Policy, as it is merely a standard registration requirement. [WIPO Overview 3.0](#), section 1.11.

Previous UDRP panels have consistently held that, in circumstances where the disputed domain name incorporates the entirety of a trademark or its dominant feature is recognizable, the disputed domain name will be considered confusingly similar to the trademark. [WIPO Overview 3.0](#), section 1.7; *Fondation Le*

Corbusier v. Monsieur Bernard Weber, Madame Heidi Weber, WIPO Case No. [D2003-0251](#); and *Bayerische Motoren Werke AG (“BMW”) v. Registration Private, Domains By Proxy, LLC / Armands Piebalgs*, WIPO Case No. [D2017-0156](#). This finding of confusing similarity is not prevented by the addition of other terms. [WIPO Overview 3.0](#), section 1.8; *Intesa Sanpaolo S.p.A. v. Rampe Purda*, WIPO Case No. [D2010-1116](#); and *Société des Bains de Mer et du Cercle des Etrangers à Monaco v. Mark Bolet*, WIPO Case No. [D2006-1245](#).

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.

The Respondent has not provided any other evidence or circumstances of the type specified in paragraph 4(c) of the Policy, or of any other circumstances giving rise to a right to or legitimate interest in the domain name. The Complainant has not licensed or otherwise permitted the Respondent to use the trademark or to apply for use of any domain name incorporating the trademark. The Respondent does not seem to use the disputed domain name in connection with a bona fide offering of services. As evidenced by the annexes submitted by the Complainant, the Respondent’s website does not explain the lack of relationship with the Complaint but clearly refers to the Complainant’s product and uses the Complainant’s TIRTIR trademark (without a hyphen as found in the disputed domain name itself). As further discussed below, this use is misleading and appears intended to unfairly take advantage of the Complainant’s trademark. Since no legitimate use of the disputed domain name has been demonstrated, the Panel finds that the Complainant has demonstrated prima facie that the Respondent used the disputed domain name to mislead consumers as to the identity of the Respondent and its relationship with the Complainant.

The Panel finds that the Complainant has met its burden and, in the absence of evidence to the contrary, established the second element of the Policy.

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 Respondent was clearly aware of the Complainant’s trademark and products. As evidenced by the annexes submitted, the Respondent’s website prominently features the Complainant’s TIRTIR trademark and claims to offer identical or similar products, with links redirecting to

official product pages of the Complainant on Amazon. This creates a misleading impression of affiliation and invites consumer confusion. Furthermore, the disputed domain name <tir-tir.com> was registered on March 19, 2024, which is subsequent to the Complainant's trademark registrations: the Japanese trademark TIRTIR (No. 6249694, registered on May 7, 2020, and the United States trademark TIRTIR (No. 6296833) registered on March 16, 2021. These circumstances clearly support a finding of bad faith as provided in paragraph 4(b)(iv) of the Policy.

For all these reasons, the Panel concludes that the requirement of registration and use in bad faith under paragraph 4(a)(iii) of the Policy is satisfied.

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 <tir-tir.com> be transferred to the Complainant.

/Benoit Van Asbroeck/

Benoit Van Asbroeck

Sole Panelist

Date: August 1, 2025