

ADMINISTRATIVE PANEL DECISION

Rado Uhren AG v. J.H. Kim

Case No. D2025-2873

1. The Parties

The Complainant is Rado Uhren AG, Switzerland, internally represented.

The Respondent is J.H. Kim, Republic of Korea.

2. The Domain Name and Registrar

The disputed domain name <rado.net> is registered with Inames Co., Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on July 20, 2025. On July 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 29, 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.

On August 4, 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 August 5, 2025, the Complainant confirmed its request that English be the language of the proceedings and submitted the amended Complaint. The Respondent did not submit any comment on the Complainant’s submission.

The Center verified that the Complaint together with the amended 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 Korean and English of the Complaint, and the proceedings commenced on August 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 25, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 28, 2025.

The Center appointed Kathryn Lee as the sole panelist in this matter on September 2, 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 wholly-owned subsidiary of the Swatch Group Ltd which employs approximately 31,000 people across 50 countries and owns watch maker brands including Omega, Breguet, Tissot, and Swatch. The Swatch Group Ltd is publicly traded on various stock exchanges under the symbols UHR and UHR N. The Complainant has used the RADO mark for wristwatches since 1951, and is the owner of the RADO mark in a number of jurisdictions, including the following: International Trademark Registration Number 154838 registered on July 10, 1951, United States of America Trademark Registration Number 1729207 registered on November 3, 1992, and Chinese Trademark Registration Number 146607 registered on May 15, 1981. The Complainant fully owns Rado retail stores through North America, Europe, the Middle East, Africa, Central and South America, Asia, and Australia, as well as a number of e-commerce shops. The Complainant also manages and operates its official website at the domain name <rado.com>.

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

The disputed domain name was registered on February 14, 2001, and at one point was connected to a website displaying pay-per-click ("PPC") links to terms such as "Rado Watches for Ladies", "Rado Women's Watches", "Rado New Original Automatic", and "Rado Watch Men." The Complainant has also provided evidence showing that the disputed domain name is offered for sale via an aftermarket platform.

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 RADO mark in which it has registrations since it encompasses the entirety of the Complainant's RADO mark and the generic Top-Level Domain ".net" may be disregarded from consideration.

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 the Respondent has linked the disputed domain name to a PPC website displaying links to terms such as "Rado watches for Ladies" and "Rado New Original Automatic" that are exclusively related to the Complainant rather than any generic dictionary meaning of the term "rado".

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant contends that the Respondent is creating confusion by forwarding the disputed domain name to a website showing PPC links to terms associated with the Complainant, and that the Respondent's sole intention is to divert Internet users seeking to visit the Complainant's official website to the Respondent's website to create financial gain through the PPC advertisements shown on the Respondent's website. The Complainant contends that such manner of conduct is bad faith registration and use of the disputed domain name. The Complainant also contends that the Respondent's offer of sale of the disputed domain name for USD 1,000 is in excess of the out-of-pocket costs for registering and maintaining the disputed domain name.

B. Respondent

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

6. Discussion and Findings

Language of the Proceedings

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 several reasons, including the fact that the contents of the website at the disputed domain name were in English and that requiring the Complainant to translate the Complaint to Korean would result in unnecessary delay and cost.

The Respondent did not make any submissions with respect to the language of the proceedings.

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, both Parties were given the opportunity to submit arguments in the language of their preference, and the Respondent neither raised an objection as to the language of the proceedings nor submitted any arguments whatsoever in these proceedings. Further, the Complainant is based in Switzerland and the Respondent in the Republic of Korea, so English would appear to be a fair neutral language for rendering this Decision.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceedings 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.

Here, the disputed domain name is composed entirely of the Complainant’s trademark RADO and the Respondent used the disputed domain name to host a parked page comprising PPC links which relate to the Complainant’s goods which does not support a finding of rights or legitimate interests on the Respondent. [WIPO Overview 3.0](#), section 2.9.

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.

Here, the disputed domain name is identical to the Complainant’s trademark RADO, which is well known as the name and mark of the Complainant. The Panel notes at the outset that, according to the Wayback Machine, in March 2016 the disputed domain name resolved to a web page indicating “The domain you have accessed has expired”.¹ The Panel infers that it is likely that the Respondent acquired the disputed domain name after its original registration date. In any case, while aggregating and holding for resale domain names consisting of acronyms, dictionary words, or common phrases can be bona fide and is not per se illegitimate under the Policy, the fact that the Respondent used it with a PPC advertising page that has included prominent links to the Complainant’s very products, and noting the lack of any substantive Response putting forward a legitimate non-infringing purpose, suggests that the Respondent registered the disputed domain name not on the basis of some dictionary/acronym meaning it might have, but on account of its potential value based on the RADO name and mark.

The Respondent linked the disputed domain name to a parking page displaying PPC links to the products marketed under the Complainant’s mark and likely benefited commercially from the confusion of Internet users that visited the site by mistake as per paragraph 4(b)(iv) of the Policy.

The Panel finds that the Complainant has established the third element of the Policy.

¹Noting in particular the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision. [WIPO Overview 3.0](#), section 4.8.

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 <rado.net> be transferred to the Complainant.

/Kathryn Lee/

Kathryn Lee

Sole Panelist

Date: September 16, 2025