

## **ADMINISTRATIVE PANEL DECISION**

Virtel SAS v. YoonGoo Cho  
Case No. D2025-4659

### **1. The Parties**

The Complainant is Virtel SAS, France, represented by Epstein & Runge Avocats, France.

The Respondent is YoonGoo Cho, Republic of Korea.

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

The disputed domain name <virtel.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 November 10, 2025. On the following day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 12, 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 November 14, 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 November 18, 2025, the Complainant submitted an amended Complaint in English, in which it requested that English be the language of the proceeding. The Respondent did not submit any comment on the language of the proceeding.

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 of the Complaint, and the proceedings commenced on November 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 9, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 10, 2025.

The Center appointed Matthew Kennedy as the sole panelist in this matter on December 12, 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 French company registered in 2005 that develops and offers VIRTEL mainframe software solutions. A French company register extract shows that the Complainant's President is Syspertec Group and that its business commenced in 1994. The Complainant holds the following French trademark registrations:

- number 5147217 for VIRTEL, registered on September 5, 2025, specifying services in classes 35, 38, 41, and 42; and
- number 5161235 for VIRTEL, registered on October 24, 2025, specifying goods in class 9.

The above trademark registrations are current. The Complainant has also registered the domain names <virtelweb.fr> and <virtelweb.com> that it uses in connection with websites in French and English, respectively, where it provides information about itself and its products.

The Respondent is an individual based in the Republic of Koea.

The disputed domain name was registered on January 20, 2011. It resolves to a landing page displaying Pay-Per-Click ("PPC") links related to games, among other things. The landing page also displays a notice that the disputed domain name is for sale. The disputed domain name is listed for sale on a domain name broker's website for EUR 41,233.40.

The Complainant sent a cease-and-desist letter to the Respondent on June 3, 2025.

#### **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 VIRTEL mark. The Complainant has actively and continuously operated and promoted its software product under the name "Virtel" since 1994. For over thirty years, the name "Virtel" has been consistently and recognizably associated with the Complainant's software offering. This longstanding and public use is demonstrated by: (i) the Complainant's regular presence at industry events, in the media, and across online platforms; and (ii) references to the name "Virtel" in client communications, contracts, invoices, and technical documentation, and (iii) the prominent use of the name on the Complainant's official websites. The name "Virtel" is also integral to the Complainant's corporate identity: it is the name of the company, the name of its software product, and the brand used in press coverage, marketing, and commercial documents.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has also used the Complainant's trademarks without permission, as he has not been granted any license or consent, express or implied, to use the Complainant's trademarks or to link to the content associated with the disputed domain name.

The disputed domain name was registered and is being used in bad faith. The disputed domain name was registered in 2011, long after the Complainant had established its reputation under the name "Virtel". This timing, combined with the Respondent's lack of any connection to the term "Virtel", demonstrates that the registration could not have been coincidental and was made in bad faith. Since registration, the disputed domain name has been passively held. The Respondent has listed the disputed domain name for sale for the excessive price of EUR 41,233.40, which far exceeds any out-of-pocket registration costs. This continuing offer, maintained over many years in the absence of any genuine use, demonstrates the Respondent's ongoing intent to obstruct the Complainant's ability to operate under its own name online and to profit from its established reputation.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **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 proceeding shall be the language of the registration agreement.

The Complaint and amended Complaint were filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the disputed domain name is composed of Latin alphabet letters and resolves to a webpage with text in English, which strongly indicates that the Respondent understands English, whereas the Complainant does not understand Korean and translation of the Complaint into Korean would impose a significant financial and logistical burden on the Complainant and delay the proceeding.

Despite the Center having sent an email regarding the language of the proceeding, and the notification of the Complaint, in Korean and English, the Respondent did not make any submission with respect to the language of the proceeding or indicate any interest in otherwise participating in this 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**

Paragraph 4(a) of the Policy provides that a complainant must demonstrate each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service 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.

The burden of proof of each element is borne by the Complainant.

## **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. See [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown registered rights in respect of a VIRTEL trademark in existence at the time when the Complaint was filed. See [WIPO Overview 3.0](#), sections 1.1.3 and 1.2.1. The fact that these trademark registrations were obtained only recently is considered further in relation to the third element in Section 6.2C below.

The Complainant also claims unregistered rights in respect of a VIRTEL trademark that allegedly accrued earlier. The Panel recalls that, in order to establish unregistered rights for the purposes of the Policy, the Complainant needs to show that its mark has become a distinctive identifier that consumers associate with its goods and/or services. See [WIPO Overview 3.0](#), section 1.3.

In the present case, the evidence shows that a company named SysperTec SA (presumably related to the Complainant's current President) entered into license contracts for software branded "Virtel" as early as 1990 and 1992. SysperTec Communication produced a synthesis document regarding "Virtel" for a French bank in 2001, the contents of which are not disclosed. SysperTec produced a slide presentation in 2009 in which it claimed to have licensed over 500 products since 1993 and presented the Virtel web suite. SysperTec also issued an invoice for Virtel software in 2009. The Complainant itself issued three press releases under a "Virtel – a SysperTec group company" letterhead in 2024 and 2025, which present products named Virtel Web Access, Virtel Web Suite, and Virtel Screen Redesigner. Most of the foregoing evidence is originally in French, although a 2025 press release was in English. The Complainant also uses "virtelweb" domain names in connection with websites in French and English that prominently display a VIRTEL Mainframe Solutions logo. There is no other evidence of the amount of sales under the VIRTEL mark, the nature and extent of any advertising using the mark, the degree of actual public recognition, whether by consumers, industry, or media, nor any consumer surveys. In summary, the Panel finds this evidence inadequate to establish to show that VIRTEL has become a distinctive identifier that consumers associate with its goods and/or services sufficient to demonstrate unregistered trademark or service mark rights for the purposes of the Policy. Further, the Complainant's company name, without more, does not establish trademark rights for the purposes of the Policy.

The Panel will proceed to compare the disputed domain name with the VIRTEL mark based on the Complainant's registered rights only.

The entirety of the registered VIRTEL mark is reproduced within the disputed domain name. The only additional element is a generic Top-Level Domain ("gTLD") extension (".com") which, as a standard requirement of domain name registration, may be disregarded in the assessment of identity or confusing similarity for the purposes of the Policy. Accordingly, the Panel finds the disputed domain name is identical to the mark for the purposes of the Policy. See [WIPO Overview 3.0](#), sections 1.7 and 1.11.1.

Therefore, 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. See [WIPO Overview 3.0](#), section 2.1.

In the present case, the disputed domain name resolves to a PPC links landing page displaying links related to games, among other things, and displaying a notice that the disputed domain name is for sale. The disputed domain name is identical to the VIRTEL mark, which in itself carries a high risk of implied affiliation with the Complainant. The Complainant submits that the Respondent has not been granted any license or consent, express or implied, to use the Complainant's trademarks. These circumstances do not indicate that the Respondent is using the disputed domain name in connection with a bona fide offering of goods or services. Given that the PPC links operate for the commercial gain of the Respondent, if he is paid to direct traffic, or for the commercial gain of the operators of the linked websites, or both, and that the disputed domain name is offered for sale, this is not a legitimate noncommercial or fair use of the disputed domain name either.

Further, the Registrar has verified that the Respondent's name is "YoonGoo Cho", which does not resemble the disputed domain name. Nothing on the record indicates that the Respondent has been commonly known by the disputed domain name.

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.

Based on the record, the Panel finds the second element of the Policy has been established.

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

The Panel notes that the third element of paragraph 4(a) of the Policy contains two requirements that apply conjunctively. A complainant must show both that the disputed domain name has been registered in bad faith and also that it is being used in bad faith. The former requires a demonstration that the Respondent knew, or should have known, of the Complainant and/or the Complainant's trademark at the time when he registered or acquired the disputed domain name and that he registered the disputed domain name with a bad faith intention targeting the Complainant and/or its mark.

In the present case, the disputed domain name was registered in 2011, 14 years before the Complainant's trademark registrations. The Panel recalls that, where a registrant registers a domain name before a complainant's trademark rights accrue, panels will not normally find bad faith. See [WIPO Overview 3.0](#), section 3.8.1.

The Panel has considered the possibility of exceptional circumstances in which the Respondent acted in anticipation of the Complainant's nascent registered rights in the VIRTEL mark. See [WIPO Overview 3.0](#), section 3.8.2. However, the scarce evidence on the record of use of the VIRTEL mark prior to 2011 (included in the summary of evidence in Section 6.2A above) refers to use offline, mostly in France, whereas the Respondent is based in the Republic of Korea. There is no suggestion that the Respondent operates in the software sector like the Complainant. There is no evidence of use of the VIRTEL mark online prior to 2025; in particular, it is unclear when the Complainant began using its two domain names in connection with active websites and what any such websites would have shown in 2011. The evidence of the Complainant's Internet search for "virtel" conducted in 2025 does not show whether the results of the same search 14 years earlier in 2011 would have included the Complainant or its VIRTEL software. Accordingly, based on the record, the Panel is unable to conclude that the Respondent acted in anticipation of the accrual of the Complainant's rights in the VIRTEL mark.

The mere fact that the disputed domain name is identical to the VIRTEL mark does not give rise to an inference that the Respondent was aware of the Complainant. Although “virtel” is not a dictionary term, there is no allegation that it is a coined term. The Complainant’s evidence of a recent Internet search shows that “Virtel” is a surname and used in the names of other businesses.

The Respondent’s subsequent use of the disputed domain name with a landing page displaying PPC links unrelated to the Complainant or its line of business does not indicate any awareness of the Complainant either.

Accordingly, the Panel is unable to find that the Respondent registered the disputed domain name in bad faith targeting the Complainant or its trademark rights.

Therefore, the Panel finds the third element of the Policy has not been established.

## **7. Decision**

For the foregoing reasons, the Complaint is denied.

*/Matthew Kennedy/*

**Matthew Kennedy**

Sole Panelist

Date: December 26, 2025