ADMINISTRATIVE PANEL DECISION

NXC Corp. v. Haytham Sabry
Case No. D2026-1391

1. The Parties

The Complainant is NXC Corp., Republic of Korea, represented by KAI International IP Law Firm, Republic of Korea.

The Respondent is Haytham Sabry, Egypt, represented by Al Tamimi & Company, Egypt.

2. The Domain Name and Registrar

The disputed domain name <nexonpartners.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 1, 2026. On April 1, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 1, 2026, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 8, 2026, 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 amended Complaint on April 9, 2026. In response to a notification by the Center that the Complaint contained an error, the Complainant filed a substitute amended Complaint on April 14, 2026.

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 April 15, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 5, 2026. The Response was filed with the Center May 4, 2026.

The Center appointed Adam Taylor, Ik-Hyun Seo and David H. Bernstein as panelists in this matter on June 5, 2026. The Panel finds that it was properly constituted. Each member of 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, which was founded in South Korea but is now located in Japan, has published video games under the mark NEXON since around 1994. The Complainant currently maintains over 80 titles including MapleStory, Dungeon & Fighter, Sudden Attack and KartRider. The Complainant has been listed on the Tokyo Stock Exchange since 2011.

More recently, the Complainant has moved into cryptocurrency, including the purchase of approximately USD 100 million worth of bitcoin in 2021.

The Complainant owns many registered trade marks for NEXON worldwide including United States of America ("United States") trade mark No. 2481744, registered on August 28, 2001, in class 41.

The Complainant operates a website at "www.nexon.com".

The disputed domain name was registered by the Respondent on April 4, 2025.

On April 10, 2025, the Respondent incorporated a company in Dubai called Nexon Partners L.L.C-FZ ("the Company"), which operates in the field of investment and financial services, specifically "own-account" investment activities.

The disputed domain name has not been used to resolve to an active website, but the Respondent has provided evidence of use of the disputed domain name for email.

On May 20, 2026, the Complainant lost a separate UDRP case ("the .Net Case") that it had filed against the Respondent in relation to the domain name <nexonpartners.net>. See *NXC Corp. v. Haytham Sabry*, WIPO Case No. D2026-1392.

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 Complainant's mark is very well-known to users of computer games and cryptocurrency worldwide, through its activities as one of the world's largest online game providers and its more recent extensive cryptocurrency activities;
- the Complainant's NEXON mark has been registered worldwide since 2001, i.e., starting 24 years before registration of the disputed domain name;
- the Respondent was undoubtedly aware of the mark when it registered the disputed domain name, which demonstrates that the Respondent was exploiting the Complainant's reputation for games in order to attract consumers;
- the Complainant's trade mark rights in NEXON could have been easily confirmed through a simple browser search, especially in view of the nature of the Complainant's online services above, or by searching the trade mark registry;

- the disputed domain name gives the false impression that the corresponding website is operated by the Complainant;
- the fact that the disputed domain name is inactive suggests that the registrant is merely holding the disputed domain name without making any legitimate use of it, apparently for the purpose of selling it to the rightful owner, which supports a finding of bad faith; and
- the Respondent has registered, and is using, the disputed domain name in bad faith within the intention of selling it to the Complainant, or to a third-party buyer to obstruct the Complainant, or to lure Internet users by creating a likelihood of confusion with the Complainant's mark.

B. Respondent

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Respondent contends that:

- the inclusion of the term "partners" in the disputed domain name is not incidental, but, rather, it reflects a distinct commercial identity aligned with the Respondent's business structure and activities, evidenced by the incorporation of the Company;
- the Respondent is therefore "commonly known" by the name "Nexon Partners";
- the Company has made extensive use of this name including for its corporate tax registration, office lease, invoicing, emails and financial transactions;
- the disputed domain name was registered around the same time that the Company was incorporated, indicating that it was connected with the Company's legitimate business identity;
- the Respondent's field is entirely distinct from that of the Complainant, and there is no overlap in services, target audience, or commercial positioning, confirming that the Respondent did not target the Complainant;
- the trade mark registrations produced by the Complainant do not include class 36, relating to financial and investment services;
- selection of the name "Nexon Partners" was the result of an independent naming process, whereby, having discovered that numerous entities in the investment and financial sector already operated under the NEXUS mark, the Respondent selected "NEXON PARTNERS", as a commercially suitable and available option within the financial services field, without reference to the Complainant's business, which operates in an entirely different sector;
- the Complainant's allegation of passive holding is factually incorrect, and the absence of an active website does not, in itself, constitute bad faith, particularly where, as here, there is evidence of legitimate use;
- in any case, the Respondent is an early-stage business that primarily operates through direct client engagement and email communications;
- even if the Respondent had some general awareness of the Complainant's gaming business, such knowledge does not establish bad faith under the Policy as there was no intent to target the Complainant;
- the existence of some other third-party NEXON trade marks worldwide demonstrates that the term is not exclusively associated with the Complainant; and
- the Complainant has failed to provide any evidence of actual confusion, misleading conduct, or commercial exploitation by the Respondent.

6. Discussion and Findings

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 trade mark and the disputed domain name. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 1.7.

The Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

The Panel finds the mark is recognisable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

Although the addition of other terms (here, "partners") may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.8.

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.

The Panel finds that, before notice to the Respondent of the dispute, the Respondent used the disputed domain name, and/or a name corresponding to the disputed domain name in connection with a bona fide offering of services and/or has been commonly known by such names. WIPO Overview 3.1, sections 2.2 and 2.3.

First, the Panel sees no reason to distinguish between the Respondent, who is the controller of the Company and plainly registered the disputed domain name for use by the Company, and the Company itself.

Second, the Respondent has produced substantial evidence indicating that it has used the term "Nexon Partners", which corresponds to the disputed domain name, both for the Company's corporate name and, extensively, in connection with its operations, including corporate tax registration, office lease, invoicing and financial transactions. Furthermore, although the Respondent has not yet resolved the disputed domain name to a website, it has used the disputed domain name for email (a fact that, admittedly, the Complainant was likely not aware of at the time it filed the Complaint).

Third, the Respondent (investment and financial services) is engaged in an entirely different industry to the Complainant (games and cryptocurrency). Accordingly, there is no reason to think that the Respondent adopted its name in order to target the Complainant in some way, or that the Respondent's activities have been anything other than bona fide. For example, the Complainant has not established that the Respondent's use of the disputed domain name for financial services in Dubai constitutes trade mark infringement (which would undermine any claim that its use of the disputed domain name is bona fide). See, e.g., *Premium Blend, Inc. v. Michael Eymear*, WIPO Case No. D2025-3012 (although an infringing use cannot be bona fide, here there was no evidence to support a finding that the respondent's use of the disputed domain name infringed the complainant's trade mark rights).

Fourth, the Panel notes that the panel in the .Net Case also found for the Respondent under the second element, on virtually the same facts as here.

Dealing briefly with the Complainant's other arguments:

- That the Complainant's mark is well known to computer gamers and cryptocurrency users. Even if so, that is of no relevance here, where the disputed domain name has been registered for use in an entirely different industry.

- That the Complainant's NEXON mark had been registered worldwide since 2001 and could easily have been found on an Internet or trade mark search. In the circumstances of this case, the Respondent was under no duty to carry out a worldwide search for other owners/users of the NEXON mark before registering the disputed domain name. Regardless, the Respondent appears to have conducted a search for its first preferred name, "NEXUS PARTNERS", but found that there were other users of "NEXUS" in the financial services field, which is why it shifted gears and decided instead to use "NEXON PARTNERS" (after apparently concluding that there were no other uses of "NEXON PARTNERS" in connection with financial services).

- That the Respondent was undoubtedly aware of the Complainant's mark when it registered the disputed domain name. While the Response is somewhat ambivalent on this point, any such knowledge would in any case have been immaterial, given that the Complainant has not established that the Respondent intended to target the Complainant's mark. As the Respondent notes, there are some third-party users of the trade mark NEXON in other fields, which shows that the Complainant's mark is not so unique, singular and famous that it has the right to exclude all uses of NEXON in all industries.

For the above reasons, the Panel finds the second element of the Policy has not been established.

C. Registered and Used in Bad Faith

It is unnecessary for the Panel to consider this element in detail in view of the Panel's conclusions under the second element above.

In short, the Respondent has provided a credible explanation that it registered this disputed domain name without any intent to cause confusion with the Complainant or trade on the Complainant's goodwill. And there is no showing at all that the Respondent has used the disputed domain name in bad faith; rather, the Respondent has used the disputed domain name for its own business.

The Complainant has not established any of the examples of bad faith in the Policy, nor any other type of bad faith registration and use by the Respondent.

Accordingly, the Complainant has failed to establish the third element.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Adam Taylor/
Adam Taylor
Presiding Panelist

/Ik-Hyun Seo/
Ik-Hyun Seo
Panelist

/David H. Bernstein/
David H. Bernstein
Panelist
Date: June 17, 2026