

ADMINISTRATIVE PANEL DECISION

Nongshim Co., Ltd. v. lar frank
Case No. D2026-3274

1. The Parties

The Complainant is Nongshim Co., Ltd., Republic of Korea, represented by KAI International IP Law Firm, Republic of Korea.

The Respondent is lar frank, Philippines.

2. The Domain Name and Registrar

The disputed domain name <nongshimusastore.com> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 24, 2026. On July 24, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 24, 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 (PrivacyGuardian.org/Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 24, 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 July 27, 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 July 28, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 17, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 18, 2026.

The Center appointed Xu Lin as the sole panelist in this matter on August 25, 2026. 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

Founded on September 18, 1965, the Complainant is a leading global food-and-beverage enterprise incorporated and headquartered in Seoul, Republic of Korea. The Complainant's core business is the manufacturing and sale of instant noodles, snacks, and beverages. The Complainant currently commands the fifth-largest market share in the global instant noodle market and exports its products to over 100 countries across the Americas, Europe, and Asia.

The Complainant holds trademark registrations for the mark NONGSHIM in multiple jurisdictions, including but not limited to:

- Korean trademark , No. 40-0250852, registered on September 29, 1992, in Class 30;
- Korean trademark NONGSHIM, No. 40-2372022, registered on June 11, 2025, in Class 30;
- United States of America ("United States") trademark  NONGSHIM, No. 4,137,605, registered on May 8, 2012, in Class 30;
- United States trademark , No. 4,051,875, registered on November 8, 2011, in Class 30.

The Complainant also owns a portfolio of official domain names incorporating the NONGSHIM marks, including <nongshimusa.com>.

The disputed domain name was registered on May 20, 2026, and currently resolves to an error webpage displaying that "This store is unavailable". The Complainant submits evidence that the disputed domain name used to direct to an active website, prominently using the Complainant's trademarks as well as official product images of the Complainant, and purportedly offering for sale products bearing the Complainant's trademarks.

The Respondent is lar frank, Philippines.

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:

Firstly, the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights:

- The Complainant owned the right to the registered trademark NONGSHIM on the date the Complaint was filed, and the Complainant's trademark NONGSHIM is well known;
- The part "nongshim" of the disputed domain name is identical to the Complainant's registered trademark. The additional element "usa" and "store" are geographic and descriptive retail terms. These terms do not dispel confusion; rather, when combined with NONGSHIM, they reinforce the false impression

that the disputed domain name identifies an official United States online store or sales channel of the Complainant. The generic Top-Level Domain (the “gTLD”), i.e., “.com” in this case, can be disregarded for the purposes of assessment;

- The Complainant’s registered trademark remains visually and aurally recognizable within the disputed domain name.

Secondly, the Respondent has no rights or legitimate interests in respect of the disputed domain name:

- The Respondent and the Complainant are not related in any way. The Complainant has never licensed or authorized the Respondent to use the NONGSHIM mark, to register the disputed domain name, or to operate the website connected with the disputed domain name;
- The website at the disputed domain name uses the “Nongshim” logo/brand indication. Such use, without authorization and without clear disclosure of any independent reseller status, does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use;
- The Respondent does not accurately and prominently disclose any lack of relationship with the Complainant. The disputed domain name itself, consisting of NONGSHIM + “usa” + “store”, together with the Respondent’s use of the Complainant’s logo and brand indications, falsely suggests that the website is an official United States store or authorized sales channel of the Complainant.

Finally, the disputed domain name was registered and is being used in bad faith:

- The Respondent was aware of the Complainant and its trademark rights when registering the disputed domain name;
- The Respondent has deliberately sought to impersonate the Complainant and to lend false legitimacy and authenticity to the website at the disputed domain name, rather than to operate an independent or clearly-disclosed reseller business;
- The Respondent is using the disputed domain name for commercial purposes by creating a likelihood of confusion with the Complainant and its NONGSHIM mark;
- The composition of the disputed domain name <nongshimusastore.com> creates a false impression that the website is operated by, sponsored by, affiliated with, or endorsed by the Complainant, or that it is the Complainant’s official United States online store;
- Absence of operator information on the website at the disputed domain name supports the inference that the Respondent is seeking to obscure its identity and avoid accountability;
- The Respondent uses privacy-protection service, which may be considered an additional supporting circumstance;
- The website at the disputed domain name appears to have remained operational until on or around June 24, 2026;
- The Complainant observed that the website at the disputed domain name is inaccessible from certain networks located in the Republic of Korea yet reachable via foreign-located networks or VPN-enabled connections, which constitutes relevant background evidence when viewed alongside the Respondent’s use of a privacy service, undisclosed operator identity and unauthorized use of the Complainant’s NONGSHIM mark and logo;
- The Respondent’s conduct falls squarely within paragraph 4(b)(iv) of the Policy.

B. Respondent

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

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 trademark 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 trademark 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.

Although the addition of other terms in this case, i.e., "usa" and "store", may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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.

In what concerns the addition of the gTLD ".com" in relation to the disputed domain name, such is viewed as a standard registration requirement, and is disregarded under the first element confusing similarity test. [WIPO Overview 3.1](#), section 1.11.1.

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 that 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 3.1](#), 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 is not affiliated with the Complainant and has not been authorized or licensed to use the NONGSHIM trademark or to register the disputed domain name. There is no evidence that the Respondent is commonly known by the name "Nongshim", or any related designation.

Even if the Respondent purports to offer goods or services under the disputed domain name, such activity cannot qualify as a bona fide offering within the meaning of UDRP Policy paragraph 4(c)(i). As consistently recognized in prior UDRP decisions, the unauthorized use of a complainant's trademark to offer goods or services in a manner suggesting affiliation, sponsorship, or endorsement cannot constitute bona fide use under the Policy.

The disputed domain name incorporates the Complainant's NONGSHIM trademark, together with the geographic reference "usa" and the descriptive term "store", which may create the misleading impression that the website is an official online store endorsed or operated by the Complainant in that location. Any commercial activity conducted under such confusing signpost cannot constitute a fair use.

[WIPO Overview 3.1](#), section 2.5.

The website associated with the disputed domain name prominently displayed the Complainant's trademark NONGSHIM and logo . Even assuming that the website promoted genuine products and that the Respondent could be characterized as a reseller, the Respondent's use would not satisfy the principles applicable to reseller or distributor cases as the website did not accurately and prominently disclose the Respondent's relationship with the trademark owner. [WIPO Overview 3.1](#), section 2.8.1.

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.

The Complainant's trademark NONGSHIM and its logo  were registered many years prior to the registration of the disputed domain name and have gained popularity internationally.

The Panel further notes that the disputed domain name incorporates the Complainant's trademark NONGSHIM in its entirety, combined with the geographic reference "usa" and the descriptive term "store", which may create the misleading impression that the website is an official online store endorsed or operated by the Complainant in that location.

The Complainant contends that the disputed domain name is linked to a website that incorporates the Complainant's word mark and logo, offers products under the Complainant's trademark and logo without disclosing the lack of relationship between the Parties. The website's "About us" section closely mirrors the Complainant's own company description and corporate background. No information is displayed on the website identifying the legal entity operating the website and the Respondent also uses a privacy protection service for domain name registration. In addition, the disputed website is inaccessible from certain networks located in the Republic of Korea yet reachable via foreign-located networks or VPN-enabled connection.

Taking the above into account, the Respondent is found, on the balance of probabilities and in the absence of any response, to have registered the disputed domain name with knowledge of the Complainant and targeting the NONGSHIM trademark in an attempt to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's trademark and business as to the source, sponsorship, affiliation, or endorsement of the website and the products offered thereon. Such conduct falls squarely within the paragraph 4(b)(iv) of the Policy.

At the time of this decision, the disputed domain name resolves to an error webpage displaying that "This store is unavailable". Panels have found that the non-use of a domain name would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3.

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 <nongshimusastore.com> be transferred to the Complainant.

/Xu Lin/

Xu Lin

Sole Panelist

Date: September 6, 2026