

## **ADMINISTRATIVE PANEL DECISION**

The Founders Inc. v. My Store Admin, My Store  
Case No. DCO2025-0017

### **1. The Parties**

The Complainant is The Founders Inc., Republic of Korea, represented by Marq Vision Inc., United States of America.

The Respondent is My Store Admin, My Store, Canada.

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

The disputed domain name <tryanua.co> is registered with Tucows Domains Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 25, 2025. On February 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 25, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 26, 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 March 4, 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 March 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 27, 2025. The Respondent did not submit any response.

Accordingly, the Center notified the Respondent's default on April 7, 2025.

The Center appointed David Stone as the sole panelist in this matter on April 17, 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 Korean commerce company established in 2017. It operates various consumer brands, one of which is the skincare brand "Anua", available for sale in various countries worldwide.

The Complainant owns the following registered trademark (the Mark):

**anua**

- **아누아** International Registration No. 1546316 registered on July 1, 2020, in international class 3, designating the European Union, Indonesia, Malaysia, Philippines, Russian Federation, Singapore, United States of America and Viet Nam.

The Complainant provided evidence of an extract of its website "www.thefounders.kr" which references "Anua", although it is noted that the remainder of said extract is mostly in Hangul. The Complainant promotes its "Anua" brand through the domain name <anua.kr>.

The disputed domain name was registered on December 30, 2024. The Respondent is purportedly offering for sale "Anua" branded cosmetic products via the website, without any disclaimer of lack of association with the Complainant at the disputed domain name.

At the time of filing of the Complaint, the disputed domain name used to resolve to a website that was similar to that of the Complainant. The main page stated, "Anua Official Exclusive Korean Glass Skin Routine". At the date of this decision, the website at the disputed domain name is not actively operating (it indicates: "Sorry, this store is currently unavailable.").

#### **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.

The Complainant contends that, under the first element, the Mark and the disputed domain name are confusingly similar with the Respondent only having "try" added to the beginning of the Mark which, together with the country-code top-level domain extension ".co", comprises the disputed domain name. The Complainant contends that this results in a domain name that closely resembles the Complainant's Mark and brand identity.

Under the second element, the Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name, on the basis 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; and

iv) The Respondent is not engaged in a bona fide offering of goods or services but has used the disputed domain name in connection with a website that misleads consumers into thinking that the Respondent is the Complainant and is now holding the disputed domain name for commercial gain.

Under the third element, the Complainant contends that the disputed domain name has been registered and is being used in bad faith. The Complainant contends that the Respondent must have been aware of the Complainant and its ANUA trademarks and is using the Complainant's ANUA mark on the website to create the false impression of affiliation with the Complainant's official website "www.anua.kr", thereby deceiving and defrauding consumers. The Respondent has taken efforts to conceal its identity by not providing its name when registering the disputed domain name.

## **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 Mark 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. Accordingly, the disputed domain name is confusingly similar to the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The Panel finds that the addition of "try" is not sufficient to alleviate the finding of confusing similarity.

Although the addition of other terms here, "try" may bear on the 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 Marks for the purposes of the Policy. [WIPO Overview 3.0](#), 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.

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.

Further, the website to which the disputed domain name resolves does not fall under the safeguards of fair use envisioned under section 2.8 of the [WIPO Overview 3.0](#), considering the lack of disclaimer on the website as to its lack of association with the Complainant. To the contrary, on the basis of the screenshots provided by the Complainant, the website displayed the Mark in the middle at the top of the page where consumers would expect to find the brand of the website operator and/or the brand for which the products are being offered for sale.

Further, panels have held that the use of a domain name for illegal activity, here, claimed impersonation, or other types of fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

In the present case, the Panel notes that the Respondent created a website at the disputed domain name which (i) displays the Mark prominently and numerous; (ii) purportedly offers for sale "Anua" branded skincare products; (iii) displays numerous images of "Anua" branded skincare products; and iv) states on the main webpage "Anua Official Exclusive Korean Glass Skin Routine" without any disclaimer of lack of association with the Complainant.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have found that evidence of a respondent seeking to cause confusion supports a finding that a respondent has registered a domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark. [WIPO Overview 3.0](#), section 3.1.4.

The Panel finds that the content of the website at the disputed domain name is suggestive of bad faith because it is evidence of the Respondent seeking to cause confusion. The statement on the Respondent's website "Anua Official Exclusive Korean Glass Skin Routine" is misleading. The prominent use of the Mark and images of Anua-branded skincare products shows an intention of the Respondent to confuse and thereby attract Internet users to its website for commercial gain.

Further, panels have held that the use of a domain name for illegal activity, here, claimed impersonation, or other types of fraud, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Furthermore, the Respondent has not attempted to refute any of the Complainant's contentions, which casts additional doubt on the nature of its conduct. [WIPO Overview 3.0](#), section 3.2.1.

Having reviewed the record, the Panel concludes that the actions of the Respondent in choosing the disputed domain name were aimed at attracting, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's Mark. The Panel therefore concludes that the disputed domain name was registered and used in bad faith.

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 <tryanua.co> be transferred to the Complainant.

*/David Stone/*

**David Stone**

Sole Panelist

Date: May 1, 2025