ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Matinkim Inc. v. Martin Kim
Case No. DME2025-0020

1. The Parties

The Complainant is Matinkim Inc., Republic of Korea, represented by Marq Vision Inc., United States of America ("United States")

The Respondent is Martin Kim, United States.

2. The Domain Name and Registrar

The disputed domain name <martinkim.me> is registered with Tucows (Australia) Pty Ltd trading as OpenSRS (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 17, 2025. On July 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 18, 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 amended Complaint on July 24, 2025.

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 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 13, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 19, 2025.

The Center appointed Edoardo Fano as the sole panelist in this matter on August 22, 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.

On September 5, 2025 the Panel, pursuant to paragraphs 10 and 12 of the Rules, issued the Administrative Panel Procedural Order No. 1 ("Procedural Order No. 1") and invited the Complainant to address whether or not the Respondent had been "commonly known by the domain name" for the purposes of paragraph 4(c)(ii) of the Policy, and the Respondent to provide comments or evidence regarding its identity, if any. The Parties were invited to submit their responses by September 9, 2025, while any comments in reply to the other Party's submission were to be submitted by September 12, 2025. The Complainant replied with a late submission on September 15, 2025, and the Respondent did not reply.

Having reviewed the communication records in the case file provided by the Center, the Panel finds that the Center has discharged its responsibility under the Rules, paragraph 2(a) "to employ reasonably available means calculated to achieve actual notice to [the] Respondent". Therefore, the Panel shall issue its Decision based upon the Complaint, the Policy, the Rules and the Supplemental Rules and without the benefit of a response from the Respondent.

The language of the proceeding is English, being the language of the Registration Agreement, as per paragraph 11(a) of the Rules.

4. Factual Background

The Complainant is Matinkim Inc., a South Korean company operating in the fashion field and owning several trademark registrations for MATIN KIM, among which the following ones:

- Republic of Korea Trademark Registration No. 4021706830000 for MATIN KIM, registered on March 19, 2024;
- Australian Trademark Registration No. 2454219 for MATIN KIM, registered on September 25, 2023; and
- International Trademark Registration No. 1791432 for MATIN KIM, registered on September 25, 2023, also extended to the United States, where protection has been provisionally refused.

The Complainant also operates on the Internet, being "www.matinkim.com" its main website.

The Complainant has provided evidence in support of the above.

According to the WhoIs records, the disputed domain name was registered on October 26, 2023 and it is inactive / "under construction".

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 states that the disputed domain name is confusingly similar to its trademark MATIN KIM.

The Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name since it has not been authorized by the Complainant to register the disputed domain name or to use its trademark within the disputed domain name, it is not commonly known by the disputed domain

name and it is not making either a bona fide offering of goods or services or a legitimate noncommercial or fair use of the disputed domain name.

The Complainant finally submits that the Respondent has registered the disputed domain name in bad faith, since the Complainant's trademark MATIN KIM is well known in the fashion field. Therefore, the Respondent targeted the Complainant's trademark at the time of registration of the disputed domain name and the Complainant contends that the passive holding of the disputed domain name qualifies as bad faith registration and use.

B. Respondent

The Respondent has made no reply to the Complainant's contentions and is in default. In reference to paragraphs 5(f) and 14 of the Rules, no exceptional circumstances explaining the default have been put forward or are apparent from the record.

A respondent is not obliged to participate in a proceeding under the Policy, but if it fails to do so, reasonable facts asserted by a complainant may be taken as true, and appropriate inferences, in accordance with paragraph 14(b) of the Rules, may be drawn. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0") section 4.3.

6. Discussion and Findings

Paragraph 4(a) of the Policy lists three elements, which the Complainant must satisfy in order to succeed:

(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.

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.

Based on the available record, the Panel finds 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 Panel finds that the mark MATIN KIM is effectively recognizable within the disputed domain name. The addition of the letter "r" to the Complainant's trademark in the disputed domain name could be seen as a typo.

Finally, although it is well accepted that a country code Top-Level Domain (ccTLD), in this case ".me", is typically ignored when assessing the confusing similarity between a trademark and a domain name (see WIPO Overview 3.0, section 1.11.1.), this specific aspect will be dealt with more details in the analysis of the following element.

The Panel finds the first element is met.

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.

The Complainant states that the Respondent has no rights or legitimate interests in the disputed domain name since the Complainant has never licensed or otherwise authorized the Respondent to use its trademark or to register any domain name incorporating the Complainant's trademark, the Respondent is not commonly known by the disputed domain name, has no relationship with the Complainant, and holds no prior rights or legitimate interests that would justify the use of the Complainant's well-known trademark. Furthermore, the Complainant submits that the Respondent's merely registering the disputed domain name without demonstrable preparations to use it in connection with a bona fide offering cannot establish rights or legitimate interests. The Respondent, failing to submit a response, 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.

According to WIPO Overview 3.0, section 4.3, a respondent's failure to submit a response would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true. In cases involving wholly unsupported and conclusory allegations advanced by the complainant, panels may find that – despite a respondent's default – a complainant has failed to prove its case.

In the present case, the Panel notes that the Respondent is said to be called Martin Kim, which corresponds to the disputed domain name, and therefore would have a claim to be commonly known by the disputed domain name; the Panel moreover notes that the Registrar-confirmed email address for the Respondent bears this name. When invited to address whether or not the Respondent had been "commonly known by the domain name" for the purposes of paragraph 4(c)(ii) of the Policy, the Complainant sent a late submission with an unsupported allegation stating that "as already stated in Section 12 B of VI. Factual and Legal Grounds in the amended Complaint we submitted, 'The Respondent is not commonly known by the disputed domain name, has no relationship with the Complainant, and holds no prior rights or legitimate interests that would justify the use of the Complainant's well-known trademarks and domain names.'" This blanket statement is not sufficient; the Complainant has not even e.g., claimed that the use of this name by the Respondent is fake or a pretext – if it had evidence to this effect, it would be necessary to include facts and arguments to support that.

The use of the ccTLD ".me" further supports this finding, since, as it has been explained in *project.me GmbH v. Alan Lin*, WIPO Case No. DME2009-0008, "[…] unlike most ccTLD identifiers, the TLD identifier ".me" can be seen to have a meaning beyond being the International Standards Organization (ISO) two-letter code for the country Montenegro – in particular, it has the additional meaning of being the common English objective pronoun for oneself. This fact is well understood by doMEn, the Registry for the .me ccTLD, which promotes .me registrations by stating ".ME is expected to be utilized as both a personalized Web address and as a catchy business marketing tool around the world […]".

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

C. Registered and Used in Bad Faith

Although the Panel's finding under the above Section 6.B would be sufficient to enable a decision to be reached in relation to this Complaint, the Panel also finds that there is no evidence that the disputed domain name has been registered and used in bad faith.

Paragraph 4(b) of the Policy provides that "for the purposes of paragraph 4(a)(iii) of the Policy, the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

(i) circumstances indicating that [the respondent has] registered or ha[s] acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of the complainant, for valuable consideration in excess of [its] documented out-of-pocket costs directly related to the domain name; or

(ii) that [the respondent has] registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that [the respondent has] engaged in a pattern of such conduct; or

(iii) that [the respondent has] registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) that by using the domain name, [the respondent has] intentionally attempted to attract, for commercial gain, Internet users to [the respondent's] website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the respondent's] website or location or of a product or service on [the respondent's] website or location".

The Complainant claims that the Respondent has registered and is using the disputed domain name in bad faith, since the Complainant's trademark is distinctive and internationally recognized, and the Respondent is using a privacy service, and is not actually using the disputed domain name.

The Panel finds that the Complainant has not provided adequate evidence to demonstrate that the Respondent targeted its trademark when registering the disputed domain name in the year 2023, since the Complainant's trademark was first registered in September 2023 (as an International Trademark mentioned above also designating the United States, the Respondent's country, where protection was provisionally refused), only one month before the registration of the disputed domain name, and it has become well known even more recently. In fact, in an article annexed to the Complaint, it is stated that the Complainant's trademark "[…] hit global stardom after its December 2024 collab with the luxury brand, Coach […]".

The evidence in the case file as presented does not indicate that the Respondent's aim in registering the disputed domain name was to profit from or exploit the Complainant's trademark, as the disputed domain name corresponds to the Respondent's name and surname. For the same reason, "passive holding" as claimed by the Complainant cannot be considered as the Respondent's bad faith use of the disputed domain name.

Based on the available record, the Panel finds the third element of the Policy has not been established.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Edoardo Fano/
Edoardo Fano
Sole Panelist
Date: September 17, 2025