

ADMINISTRATIVE PANEL DECISION

Topco Media Co., Ltd. v. Hoan Nguyen
Case No. DME2025-0024

1. The Parties

The Complainant is Topco Media Co., Ltd., Republic of Korea, represented by Womble Bond Dickinson (US) LLP, United States of America.

The Respondent is Hoan Nguyen, Viet Nam.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 13, 2025. On August 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 14, 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 (Domain Administrator, PrivacyGuardian.org llc) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 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 August 23, 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 August 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 15, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 16, 2025.

The Center appointed Jeremy Speres as the sole panelist in this matter on September 23, 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 has, since 2023, offered self-produced comic books, electronic cartoons, computer software, and streaming services, under its DAYCOMICS mark from its website hosted at its domain name <daycomics.com> which was registered on January 9, 2023. The Complainant's website has over five million subscribers and receives approximately 150,000 visitors per month. The Complainant's logo is represented in bold red text on a black background featuring its mark in the following letter case: "DAYcomics".

The disputed domain name was registered on March 10, 2024, and currently resolves to a website offering electronic comics, prominently featuring a "DAYcomics" logo in bold red text on a black background, with the same letter case as used in the Complainant's logo. A number of the Complainant's comics are reproduced on the disputed domain name's website.

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 was registered and has been used in bad faith in order to take advantage of confusion with the Complainant's mark for the Respondent's commercial gain.

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 Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Panel finds the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3. The Complainant's mark has been in use in commerce since early 2023, its subscriber and traffic statistics are significant, and Internet searches for the Complainant's mark overwhelmingly relate to the Complainant.

As discussed in relation to the third element below, it is likely that the Respondent sought to target the Complainant when registering and using the disputed domain name. The fact that a respondent is shown to have been targeting the complainant's mark (e.g., based on the manner in which the related website is used)

may support the complainant's assertion that its mark has achieved significance as a source identifier. [WIPO Overview 3.0](#), section 1.3.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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.

As discussed below in relation to bad faith, it is likely that the Respondent registered and has used the disputed domain name in order to take advantage of confusion with the Complainant's mark. The Respondent's registration and use of the disputed domain name in these circumstances cannot represent a bona fide offering of goods or services under paragraph 4(c)(i) of the Policy and cannot confer rights or legitimate interests. *Sistema de Ensino Poliedro Vestibulares Ltda., Editora Poliedro Ltda. v. Anonymize, Inc. / STANLEY PACE*, WIPO Case No. [D2022-1981](#).

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.

For the following reasons, the Panel finds that it is more likely than not that the Respondent registered and has used the disputed domain name to take advantage of confusion with the Complainant's mark for the Respondent's commercial gain, falling squarely within paragraph 4(b)(iv) of the Policy.

In accordance with its powers of independent research articulated inter alia in paragraphs 10 and 12 of the Rules, the Panel has viewed the Internet Archive's records for the Complainant's website and has established that the Complainant has used its logo in the form described in the Factual Background section above since its launch in January 2023. The disputed domain name was registered over a year later and displays a logo that is nearly identical to the Complainant's unique logo, as described in the Factual Background section above. When considered along with the identity of the disputed domain name to the

Complainant's mark and its use for identical services including reproducing some of the Complainant's own comics, this cannot have been a coincidence and firmly points to targeting of the Complainant.

The Respondent supplied an obviously false and incomplete address in the Whois record for the disputed domain name. This points to bad faith. [WIPO Overview 3.0](#), section 3.6.

The Panel draws an adverse inference from the Respondent's failure to respond to the Complaint where an explanation is certainly called for. [WIPO Overview 3.0](#), section 4.3.

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 <daycomics.me> be transferred to the Complainant.

/Jeremy Speres/

Jeremy Speres

Sole Panelist

Date: October 3, 2025