ADNDRC | Asian Domain Name Dispute Resolution Centre
seoul

(Seoul Office)

ADMINISTRATIVE PANEL DECISION

Case No. KR-1800174

Complainant: Samsung Electronics Co., Ltd.(Authorized Representative Bae, Kim & Lee LLC IP Group)

Respondent: Milen Radumilo

Disputed Domain Name(s): samsungblockchain.com

1. The Parties and Contested Domain Name

The Complainant is Samsung Electronics Co., Ltd. of 129, Samsung-ro, Yeongtonggu, Suwon-si, Gyeonggi-do, Republic of Korea.

The Respondent is Milen Radumilo, Strada C. Rosetti, Bucharest, Bucharesti, Romania.

The domain name at issue is 'samsungblockchain.com', registered by Network Solutions, LLC.

2. Procedural History

The Complaint was filed with the Seoul Office of the Asian Domain Name Dispute Resolution Center (ADNDRC)["Center"] on July 23, 2018, seeking for a transfer of the domain name in dispute.

On July 25, 2018, the Center sent an email to the Registrar asking for the detailed data of the registrant. On July 26, 2018, Network Solutions, LLC. transmitted by email to the Center its verification response, advising that the Respondent(Milen Radumilo) is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the Centre's Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, the Centre formally notified the Respondent of the Complaint. The proceedings commenced on July 27, 2018 and the due date for the Response was August 15, 2018. No Response was filed by the due date.

On August 22, 2018, the Center appointed Mr. Jong-Yoon KIM as the Sole Panelist in the administrative proceeding and with the consent for the appointment, impartiality and independence declared and confirmed by the Panelist, the Center, in accordance with paragraph 7 of the Rules, organized the Panel of this case in a legitimate way.

We are writing to advise the parties of Panel order.

3. Factual background

3.1 The Complainant filed this Complaint on behalf of Samsung Group which comprises numerous affiliated business with the Complainant as the flagship company. 'SAMSUNG' has been used widely all over the world for a long period of time as company name/ trademark of the Samsung Group companies, and thus it has been famous or well-known mark representing Samsung Group.

3.2 On behalf of Samsung Group, the Complainant has registered and retained trademark rights to 'SAMSUNG' in connection with many kinds of goods and services globally. The Complainant has also taken legal actions continuously to protect 'SAMSUNG' from cybersquatting before the WIPO and the ADNDRC, and in many decisions rendered by the two organizations, it has been recognized that 'SAMSUNG' is a globally well-known trademark, and that the Complainant is the lawful right holder of "SAMSUNG'.

3.3 In July 2018 when the Complainant became aware of the existence of the disputed domain name, the website of the domain name was not operated for business purposes by the Respondent. Instead, the website of the disputed domain name was linked to another website (www.sedo.com), in which an advertisement for sale of the disputed domain name was posted.

3.4 The disputed domain name <samsungblockchain.com> consists of Samsung Group's trademark 'SAMSUNG' and a common term 'blockchain'. 'The term 'blockchain' has a meaning of 'a distributed ledger technology that all network participants share data'.

4. Parties' Contentions

A. Complainant

The Complainant asserts that the disputed domain name is confusingly similar to its registered and globally well-known trademark 'SAMSUNG'.

The Complainant also alleges that the Respondent has no right or legitimate interests in the disputed domain name because (a) the Complainant has never authorized the Respondent to use the disputed domain name, (b) the Respondent has not been commonly known by the disputed domain name, and (c) the Respondent has not used the domain name for business purpose.

The Complainant further asserts that the Respondent has registered and used the disputed domain name in bad faith because the Respondent has used the disputed domain name for commercial gain by selling the domain name to others.

The Complainant requests the panel to direct the registrar to transfer the disputed domain name to the Complainant.

B. Respondent

The Respondent has submitted no Response.

Under paragraph 5(e) of the Rules, it is provided that if a Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based on the Complaint. As no exceptional circumstance has been brought to the Panel's attention, it proceeds to make the findings below on the basis of the materials contained in the Complaint.

Furthermore, under paragraph 14(b) of the Rules, when a party defaults in complying with any of the requirements of the Rules, in the absence of exceptional circumstances, the Panel is entitled to draw such inferences therefrom as it considers appropriate.

5. Findings

The ICANN Uniform Domain Name Dispute Resolution Policy provides, at Paragraph 4(a), that each of three findings must be made in order for a Complainant to prevail:

(i) Respondent's domain name must be identical or confusingly similar to a trademark or service mark in which Complainant has rights; and

(ii) Respondent has no rights or legitimate interests in respect of the domain name; and

(iii) Respondent's domain name has been registered and is being used in bad faith.

A) Identical / Confusingly Similar

Excluding the extension (.com) from the disputed domain name, the remaining part is a combination of the terms 'samsung' and 'blockchain'.

Considering that 'SAMSUNG' is a famous or well-known trademark of Samsung Group, and that 'blockchain' is a common term having no distinctiveness, it is apparent that the combination of the two terms would implicate that the disputed domain name and/or its website is connected with the technology of 'blockchain' provided by Samsung Group.

Under the reason, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark 'SAMSUNG. Therefore, the Panel concludes that the Complainant has satisfied the requirement of paragraph 4(a)(i) of the Policy.

B) Rights and Legitimate Interests

The Policy enumerates several ways in which a respondent may demonstrate rights or legitimate interests as below:

『(i) Any of the following circumstances, in particular but without limitation, if found by the Panel to be proved based on its evaluation of all evidences presented, shall demonstrate your rights or legitimate interests to the domain name for purpose of paragraph 4(a)(ii):

(ii) before any notice to you of the disputes, you use of , or demonstrable preparations to use, the domain name or a name corresponding to the domain name in accordance with a bona-fide offering of goods or services; or

(iii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or

(iv) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleading divert consumers or to tarnish the trademark or service mark at issue.』

The Respondent has provided no evidence to prove its rights or legitimate interests on the disputed domain name. Therefore, the Panel concludes that the Complainant has satisfied the requirement of paragraph 4(a)(ii) of the Policy.

C) Bad Faith

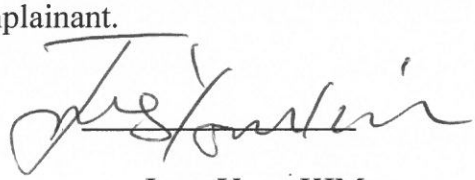
According to paragraph 4(b)(i) of the Policy, the circumstances indicating that the Respondent has registered the domain name primarily for the purpose of selling for valuable consideration in excess of the documented out-of-pocket costs directly related to the domain name shall be evidence of the registration and use of the domain name in bad faith.

The disputed domain name was registered on June 11, 2018. In July 2018, it was found that the website operated with the disputed domain name was linked to another website (www.sedo.com), in which an advertisement for sale of the disputed domain name was posted. In the advertisement, the minimum offer price was US$688.

From the facts, the Panel finds that the primary purpose of the Respondent in registering the disputed domain name was to sell the domain name with more than US$688. Therefore, the Panel concludes that the Complainant has satisfied the requirement of paragraph 4(a)(iii) of the Policy.

6. Decision

For all the foregoing reasons, in accordance with Paragraph 4(i) of the Policy and 15 of the Rules, the Panel orders that the Domain Name <samsungblockchain.com> be transferred to the Complainant.



Jong-Yoon KIM

Sole Panelist

Dated: September 5, 2018