

ADMINISTRATIVE PANEL DECISION

Coupage Corp. v. Sm Goo

Case No. D2022-4938

1. The Parties

The Complainant is Coupage Corp., Republic of Korea, represented by Demys Limited, United Kingdom.

The Respondent is Sm Goo, Japan.

2. The Domain Name and Registrar

The disputed domain name <coupageglobal.com> is registered with TurnCommerce, Inc. DBA NameBright.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 22, 2022. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 2, 2023, the Registrar transmitted by email to the Center its verification response confirming that the Respondent 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” 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 January 6, 2023. In accordance with the Rules, paragraph 5, the due date for Response was January 26, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 31, 2023.

The Center appointed Colin T. O’Brien as the sole panelist in this matter on February 10, 2023. 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

Complainant is an e-commerce company based in Seoul, Republic of Korea. Complainant was founded in 2010 and is one of the largest online marketplaces in the Republic of Korea. Complainant is the third largest employer in the Republic of Korea with over 66,000 employees. Complainant has offices in Beijing, Hong Kong, China, Los Angeles, Seattle, Seoul, Singapore, Shanghai, Silicon Valley, Taipei, and Tokyo. By the end of 2021, Complainant achieved more than USD 18 billion total net revenue.

Complainant's principal domain name is <coupang.com> through which it operates its main website and corporate email services.

Complainant is the owner a global portfolio of trademarks for the term COUPANG. Including

Reg. No. 4120100019124 COUPANG Republic of Korea Registered January 3, 2012 in Classes 35, 38

Reg. No. 1303695 COUPANG International Registration, Registered May 2, 2016 in Class 35

Reg. No. 801303695 COUPANG United Kingdom Registered December 30, 2016 in Class 35.

COUPANG is a coined term with no dictionary meaning in English or the Korean language, nor is it slang or an acronym.

The disputed domain name was registered on December 24, 2015, and resolves to the registration service provider's default parking page the disputed domain name's zone file is configured with Mail eXchanger ("MX") records, which means it can be used for email communications.

5. Parties' Contentions

A. Complainant

The disputed domain name incorporates Complainant's COUPANG mark in its entirety, with the addition of the English dictionary word "global". Complainant avers that its COUPANG mark is first and most prominent element in the disputed domain name and that the addition of the adornment "global" does nothing to distinguish the disputed domain name from the Complainant's mark.

Complainant has found no evidence that the Respondent has been commonly known as COUPANG or COUPANG GLOBAL prior to or after the registration of the disputed domain name. Complainant observes that Respondent's name, Sm Goo, is not recognizable anywhere in the disputed domain name.

Respondent is not a licensee of Complainant and has not received any permission, consent or acquiescence from the Complainant to use its name or marks in association with the registration of the disputed domain name or, indeed, any domain name, service or product.

Complainant has found no evidence that the Respondent owns any trademarks incorporating the terms COUPANG or COUPANG GLOBAL. Complainant has found no evidence that Respondent has ever traded legitimately under the business names COUPANG or COUPANG GLOBAL.

Given the confusing similarity of the disputed domain name to its name and mark, there is no conceivable use to which the disputed domain name could be put now, or in the future, that would confer any legitimate interest upon the Respondent.

The disputed domain name does not resolve to an active website, but a default hosting website provided by the registrar of record. Complainant contends that such non-use constitutes passive holding and so the disputed domain name has not been used in connection with a *bona fide* offering of goods or services.

Complainant is very well known in both the Republic of Korea and Japan and beyond and its marks have been used for many years prior to the registration of the disputed domain name.

Respondent did not respond to Complainant's letter and has therefore put forward no evidence of any contemplated good faith use.

Given the fame, widespread use and reputation of Complainant, as outlined above, Complainant contends that it is inconceivable that Respondent could have registered the disputed domain name without Complainant's marks in mind and with good-faith intentions.

Since the disputed domain name incorporates Complainant's highly distinctive name and mark that anyone receiving an email originating from the disputed domain name would reasonably assume that it was sent from Complainant.

Respondent has been a party in several previous disputes under the UDRP. In all cases, the domain names were transferred. Complainant contends that this demonstrates the Respondent has engaged in a pattern of bad faith registrations and that the disputed domain name is part of this pattern.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has demonstrated it owns registered trademark rights in the coined COUPANG trademark.

The addition of the term "global" does not prevent a finding of confusing similarity as the Complainant's COUPANG mark is clearly recognizable in the disputed domain name. See section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Accordingly, the disputed domain name is confusingly similar to a mark in which the Complainant has rights.

B. Rights or Legitimate Interests

The Complainant has presented a *prima facie* case that the Respondent has no rights or legitimate interests in respect of the disputed domain name and that the Respondent has not been commonly known by the disputed domain name. The fact that the Respondent obtained the disputed domain name years after the Complainant had begun using its well-known and coined COUPANG mark, indicates that the Respondent sought to piggyback on the mark for illegitimate reasons.

After a complainant has made a *prima facie* case, the burden of production shifts to present evidence demonstrating rights or legitimate interests in the disputed domain name. See, e.g., *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

Here, the Respondent has provided no evidence of any rights or legitimate interests in the disputed domain name, and rather the nature of the disputed domain name itself, including the Complainant's well-known COUPANG mark in its entirety, with the term "global", suggests that it was registered to eventually impersonate or falsely suggest sponsorship or endorsement by the Complainant (see section 2.5.1 of the [WIPO Overview 3.0](#)).

In absence of any evidence rebutting the Complainant's *prima facie* case indicating the Respondent's lack of rights or legitimate interests in respect of the disputed domain name, the Panel finds that the Complainant

has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The disputed domain name was registered years after the Complainant first registered and used its COUPANG mark. The evidence provided by the Complainant with respect to the extent of use and global notoriety of its COUPANG mark combined with the absence of any evidence provided by the Respondent to the contrary, is sufficient to satisfy the Panel that, at the time the disputed domain name was registered, the Respondent undoubtedly knew of the Complainant's widely-known COUPANG mark, and knew it had no rights or legitimate interests in the disputed domain name.

Moreover, UDRP panels have consistently found that the mere registration of a domain name that is confusingly similar (particularly domain names incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. See section 3.1.4 of the [WIPO Overview 3.0](#).

The Panel finds that the only plausible basis for registering and passively holding the disputed domain name is for illegitimate and bad faith purposes.

Accordingly, the Panel finds that the disputed domain name has been registered and is being used in bad faith.

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 <coupannglobal.com> be transferred to the Complainant.

/Colin T. O'Brien/

Colin T. O'Brien

Sole Panelist

Date: February 24, 2023