

Domain Name Dispute Resolution Center (DNDRC)

Arbitration and Mediation Center

COMPLAINT PANEL DECISION

Case No. 2024-0013

Also in PDF C2024-0013

1. The Parties

The Complainant is GOODAI GLOBAL INC, having its office at 502h0, 5F, 5, Digital-ro 26-gil, Guro-gu, Seoul, South Korea. The Complainant has initiated the Complaint vide their authorized representatives, IRFAN & IRFAN – Attorneys at Law, with their address at 85, The Mall, Lahore.

The Respondent's name is Aziz Paracha with their address at LG-10; Empire Heights II, Islamabad.

2. The Domain Names and Registrar

The domain name in dispute is < beautyofjoseon.com.pk>, hereinafter referred to as the Disputed Domain Name [“the DDN”]. Vide email dated 05 September 2024, PKNIC has informed DNDRC that the DDN is registered by Aziz Paracha with the contact name Aziz Paracha, with their address at LG-10; Empire Heights II, Islamabad.

3. Procedural History

DNDRC was informed of the Complaint against the Respondent as per PKNIC - Internet Domain Registration Policy, by notification from the Complainant on 03 March 2024 after which DNDRC completed its compliance review.

The Respondent was issued a notification of the dispute along with a copy of the Complaint and a Response Form on 07 September 2024 informing the Respondent that if a Response was not received 10 days from the notification, the dispute would be proceeded ex parte. DNDRC issued two reminders to the Respondent dated 19 September 2024 and 15 October 2024.

Applying Paragraph 4(a) of the Rules for Uniform Domain Name Dispute Resolution Policy (the *Rules*), DNDRC appointed Mr. Willayat Ali Shah as the sole Arbitrator who has verified that the Complaint satisfies the formal requirements of the Policy and the Rules.

Factual Background

The domain name upon which the Complaint is based is <beautyofjoseon.com.pk>.

PKNIC has confirmed via their email dated 05 September 2024 that the DDN was registered by the Respondent above-named and that the email address provided at the time of registration of the DDN is aziz@hostbreak.com.

4. Parties Contentions

1. Complainant

The Complainant's brief contentions are reproduced below:

- i. *The Complainant is a Korean beauty (K-Beauty) distribution and marketing platform that partners with various K-Beauty brands such as KAINE, SOME BY MI, COSRX, DR. CEURACLE, ISNTREE to provide services such as manufacturing, distributing and/or marketing beauty and skincare products sold under these brands.*
- ii. *That one such brand is "BEAUTY OF JOSEON" which the Complainant has been developing in Korea as well as internationally since 2017 when it signed an exclusive licensing agreement for the "BEAUTY OF JOSEON" brand, and as of 2019 the Complainant has acquired full ownership of the brand "BEAUTY OF JOSEON".*
- iii. *"BEAUTY OF JOSEON" is inspired by the women of the Joseon Dynasty and offers a skincare line that blends ancient Korean beauty rituals with modern technology. The products under the brand "BEAUTY OF JOSEON" are manufactured using 'hanbang (traditional Korean medicine) ingredients such as ginseng and rice, making them both effective and also gentle for skin.*
- iv. *The Complainant offers a wide range of cleansers, exfoliators, sunscreens, toners, serums, moisturizers etc. that are marketed and sold under the marks "BEAUTY OF 3 JOSEON" and "  ", (hereinafter referred to as "BEAUTY OF JOSEON marks"), and is the bona fide prior user, owner and proprietor of the BEAUTY OF JOSEON marks.*
- v. *That BEAUTY OF JOSEON has emerged as one of the most active K-beauty cosmetic brands in the global market and the "BEAUTY OF JOSEON" marks have continued to be used since the year 2016 for beauty and skincare products by virtue of which they have acquired substantial reputation and goodwill globally and have also gained recognition for the high quality standard of goods marked therewith by various agencies and independent bodies.*

- vi. *Attached to the Complaint marked as **Annexure D** is a collection of documents depicting recognition and praises received by the Complainant in relation to the products sold under the BEAUTY OF JOSEON marks.*
- vii. *That the Complainant's beauty and skincare products under the mark the marks "BEAUTY OF JOSEON" marks are sold in a number of countries around the world including, Hong Kong, Cambodia, Myanmar, Philippines, Singapore, Thailand, Australia, Kyrgyzstan, Saudi Arabia, Türkiye, Malaysia, Netherlands, U.S., Ukraine, Germany, UK, Romania, Norway, Japan, Mongolia, India, Iraq, Somalia, Kazakhstan, Chile, Slovakia, Vietnam, Denmark, Finland, Bangladesh, Croatia, Switzerland, Bahrain, Serbia, Montenegro, Greece, Cyprus, Hungary, Poland, Bulgaria, Colombia, Qatar, South Africa, Nigeria, Azerbaijan, France, Lithuania, Nepal, New Zealand, Russia, United Arab Emirates, Indonesia, Mexico, and Pakistan.*
- viii. *That for the purposes of import into Pakistan and sale of Complainant's beauty and skincare products under the "BEAUTY OF JOSEON" marks, the Complainant has appointed Makeup World and The Skin Maskerade as its Pakistani distributors.*
- ix. *That Makeup World and The Skin Maskerade continue to sell Complainant's beauty and skincare products under the "BEAUTY OF JOSEON" marks, under the instructions, guidance and specifications prescribed and laid down by Complainant from time to time and acknowledges Complainant's proprietorship therein.*
- x. *That the Complainant also operates its website namely, www.beautyofjoseon.com in order to market and sell its beauty and skincare products under the "BEAUTY OF JOSEON" marks, since 2017 and the said website is accessible throughout Pakistan.*

*Attached to the complaint and marked as **Annexure E** are pictures of the website of the Complainant.*

- xi. *That the "BEAUTY OF JOSEON" marks for beauty and skincare products enjoy substantial reputation and goodwill in Pakistan, in favour of the Complainant on account of the use, high standard and good quality of its products under the "BEAUTY OF JOSEON" marks as well as promotion by multimedia and wide recognition by agencies, and has therefore attained the status of a well-known and esteemed mark throughout the world, including in Pakistan.*

B. Respondent and Its Actions (UDRP Rule 3(b)(ix)(2); UDRP Policy 4(a) (ii)).

- i. *The Disputed Domain Name namely, www.beautyofjoseon.pk, is identical to the trademark BEAUTY OF JOSEON as well as the Complainant's domain name www.beautyofjoseon.com which it has been using since the year 2017, while the Respondent's domain name was registered on May 28, 2023, as per the PKNIC extract attached with this complaint as **Annexure A**.*
- ii. *The Respondent registered the Disputed Domain Name without the Complainant's permission, consent or authorization and Respondent is not and has never been associated or affiliated with the Complainant and/or the Beauty of Joseon brand.*
- iii. *The Respondent is using the abovementioned Disputed Domain Name in connection with online presence and is clearly trying to mislead the trade and general public into believing that the Respondent is in some manner connected or affiliated with the Complainant and is passing off its domain name www.beautyofjoseon.pk and its business as having been approved and/or licensed by the Complainant. The Respondent has even mentioned the Complainant's name on its website, thereby further trying to mislead the general public*
- iv. *The Respondent's website is a blatant imitation of the Complainant's website using an identical colorscheme, design, get-up and logo" , and is offering Complainant's beauty and skincare products under the "BEAUTY OF JOSEON" marks.*

*Attached to the complaint and marked as **Annexure F** are pictures of the website of the Respondent.*

Therefore, the Complainant seeks the following remedy:

*In accordance with paragraph 4(i) of the UDRP Policy of October 24, 1999, read in conjunction with paragraph 25 of the PKNIC Policy Version 4.4 and for the reasons described in section 7 and 8 above, the Complainant requests the Registrar /Administrative Panel appointed in the administrative proceeding to issue a decision that the registration of the disputed domain name <www.beautyofjoseon.com.pk> **be transferred to the Complainant.***

2. Respondent

The Respondent has not submitted a response.

5. Jurisdiction

The Panel's jurisdiction over this dispute between the Complainant and the Respondent is

established by virtue of the Internet Domain Registration Policy version 4.4 (2019-08-19) and the Rules.

The Respondent applied for and was granted registration of the DDN on the basis of these regulations, and has submitted to, the PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19) and the Rules and correspondingly to the arbitral jurisdiction of the DNDRC and its arbitration decisions.

6. Discussion and Findings

In the landmark case of *Standard Chartered PLC v. Hosting Campus Domain* (case no. C2007-0001) available on the DNDRC website (http://www.dndrc.com/cases_resolved/pdf/c2007-0001.pdf), the Panel laid down the following four heads under which to analyze cases, under the Internet Domain Registration Policy version 4.4 (2019-08-19) and the UDRP:

1. *Illegality, unlawfulness or otherwise invalidity of the Application & Registration (a criteria in terms of the PKNIC - Internet Domain Registration Policy June 20, 2006 version 4.1 in addition to the criteria of the UDRP)*
2. *Identical or confusing similarity to a trademark or service mark in which the Complainant has rights (a UDRP criteria)*
3. *Legitimate interest in Domain Name (a UDRP criteria)*
4. *Registration and use in bad faith (a UDRP criteria)*

The decision of the dispute shall be addressed with respect to the following aspects:

- i. *Illegality, unlawfulness or otherwise invalidity with respect to the Application & Registration (a PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19) criteria).*
- ii. *Identical or confusing similarity with a trademark or service in which the Complainant has rights (a UDRP criteria).*
- iii. *Legitimate interest in the domain name (a UDRP criteria).*
- iv. *Registration and use of the domain name in bad faith (a UDRP criteria).*

I. Illegality, unlawfulness or otherwise invalidity of the Application & Registration

The PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19) states that it creates an exception for, and thus excludes the registration of a domain name that:

- a. *infringes upon a registered tradename,*
- b. *is not bona fide as recognized by international best practice,*

- c. *in the opinion of PKNIC, a contravention of the latest version of the Pakistan Penal Code Act, 1860 (including offences of defamation & blasphemy)/ Anti-Terrorism Act, 1997/any applicable criminal law,*
- d. *has been declared by a Criminal Court of appropriate jurisdiction to have contravened the latest version of Pakistan Penal Code Act, 1860 (including offences of defamation & blasphemy)/Anti-Terrorism Act, 1997/any applicable criminal law), or*
- e. *in the opinion of PKNIC is not appropriate for registration.*

As per the PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19),

If a party claims that a domain name already registered with PKNIC violates their registered tradename, an obvious derivation of their registered company name is not bona fide as recognized by international best practice, and is a contravention in the opinion of PKNIC to be a contravention of the latest version of the Pakistan Penal Code Act, 1860 (including offences of defamation & blasphemy)/ Anti-Terrorism Act, 1997/any applicable criminal law, PKNIC reserves the right to cancel, or transfer the domain to the claiming party as per the ICANN's Uniform Domain Name Dispute Resolution Policy [UDRP] (with PKNIC amendments) or as per the orders of a court judgment in Pakistan.

Therefore, for the purpose of assessing illegality, unlawfulness or otherwise invalidity of the Application & Registration of the Disputed Domain Names, the application and registration of the DDN shall be assessed in consideration of the following criteria:

- i. Whether the DDN infringes upon a registered trade name / trade mark?
- ii. Whether the application and/or registration of the DDN is bona fide?
- iii. Whether the application and/or registration of the DDN contravenes the Pakistan Penal Code, 1860 (the “Penal Code”) or any applicable criminal law?

The Complainant has not submitted a response claiming illegality under the PKNIC - Internet Domain Registration Policy.

The Respondent has not submitted a response.

It is sufficient, for the purposes of satisfying this criterion, to prove that the DDN is infringing on the registered trademark of the Complainant. The Panel notes that the Complainant has failed to present evidence that establishes the infringement of their trademark rights therefore, the lack of submission in this regard suggests that the information is insufficient for the purposes of satisfying this criterion.

The Panel finds that the DDN is not illegal, unlawful or is otherwise invalid which makes it necessary to evaluate each of the three UDRP criteria to determine whether the Complaint can be accepted.

II. Identical or confusing similarity to a trademark or service mark in which the Complainant has rights

The Complainant has contended the following:

- i. *The Disputed Domain Name (**www.beautyofjoseon.pk**) is identical or confusingly similar to the Complainant's well-known trademark BEAUTY OF JOSEON as it wholly incorporates the BEAUTY OF JOSEON mark See **PepsiCo, Inc. v. PEPSI, SR] [a/k/a P.E.P.S.I.) and EMS Computer Industry (aka EMS)**, WIPO Case No. D2003-0696 (**Annexure G-1**) (incorporating a trademark in its entirety can be sufficient to establish that a domain name is identical or confusingly similar to a registered trademark").*
- ii. *That the adoption and use of an (identical) imitated name **BEAUTY OF JOSEON** in its domain name **www.beautyofjoseon.pk** by the Respondent is purposeful, dishonest and mala fide and amounts to a misrepresentation made in the course of business to general public and customers of the Respondent which is calculated to injure and is likely to cause unquantifiable/irreparable damage to the reputation and goodwill of the Complainant, as the Respondent has totally adopted the Complainant's trademark "**BEAUTY OF JOSEON**" which is the exclusive property of the Complainant for which the Complainant has exclusive proprietary rights, reputation and goodwill worldwide as well as in Pakistan, and which the Respondent cannot lawfully use in any manner whatsoever.*
- iii. *Furthermore, it is established law to disregard the ccTLD when considering the matter of confusing similarity or obvious derivation as the addition of suffix ".pk" does not create any distinction that may eliminate the possibility of confusion by the Complainant's customers, as held in **Google Inc v Mubarkan Pvt Ltd** (Case No:C2012-0002) (**Annexure G-2**) for the domain **www.gmail.pk** which was found to be similar to the trademark GMAIL of Google Inc.*
- iv. *It is respectfully submitted that the adoption and use of the imitated trademark "**BEAUTY OF JOSEON**" in relation to its website and email and internet ID **www.beautyofjoseon.pk** by Respondent is deceitful as there is no affiliation, permission, consent or license that has been granted by the Complainant to the Respondent for the use of Complainant's trademark BEAUTY OF JOSEON.*
- v. *That by using the imitated trademark BEAUTY OF JOSEON and marketing and selling beauty and skincare products thereunder, the Respondent is likely to impress upon the*

*innocent public and the customers, as if the Respondent has some kind of affiliation or connection with the Complainant. Such acts of infringement and violation of rights of Complainant by the Respondent are designed to cause confusion and deception amongst the general public and the customers in particular, who might have visited the Respondent's website in the belief that it has an affiliation or connection, will or license of Complainant, and who associate the trademark BEAUTY OF JOSEON exclusively with the Complainant. See **Rediff.com IndiaLtd Danial Waseem DNDRC** (Case No. C2009-0005) (**Annexure G-3**) where it was held that "Both under past UDRP decisions (see for instance **Nike, Inc, v B.B. de Boer**, WIPO Case No. D2000-1397 (**Annexure G-4**); and **CarolinHerrera, Ltd, v Alberto Rincon Greig**, WIPO Case No. D2002-0806 (**Annexure G-5**)) and under the Policy, a well-established principle is that when someone registers a domain name, it represents and warrants to the registrar that, to its knowledge, the registration of the domain name will not infringe the rights of any third party. In the case at issue, the Panel reasonably finds that since the Complainant's marks are widely known, it is unlikely that the Respondent, at the time of registration of the disputed domain name or thereafter, was not aware that it was infringing the Complainant's marks."*

The Respondent has not submitted a response

The Panel has reviewed the submissions of the Complainant:

The Complainant has proven their rights in the registered trademark "BEAUTY OF JOSEON" by providing sufficient evidence of registrations in various jurisdictions around the world including in Pakistan. The Panel must now assess whether the DDN <www.beautyofjoseon.com.pk> is identical or confusingly similar to the "BEAUTY OF JOSEON" trademark of the Complainant.

The Complainant contends, that the inclusion of their trademark in its entirety in the DDN makes it sufficient to establish a confusing similarity with the trademark. The Panel has reviewed PepsiCo, Inc. v. PEPSI, SRL (a/k/a P.E.P.S.I.) and EMS COMPUTER INDUSTRY (a/k/a EMS) Case No. D2003-0696 as cited by the Complainant and acknowledges the principle laid down by the Panel in this case. The Panel affirms that the inclusion of the "BEAUTY OF JOSEON" trademark of the complainant in its entirety in the Respondent's DDN <www.beautyofjoseon.com.pk> makes it sufficient to establish the criterion of confusing similarity. (See also NCLEX Office Case No. D2021-0922)

The Complainant further refers to the inclusion of the .pk ccTLD and contends that it does not avoid the finding of confusing similarity between the trademark. The Panel agrees and acknowledges that it is a widely recognized principle that the addition of the TLD suffix does not affect the likelihood of confusion as it is necessary requirement for the registration of the domain name itself (See L'Oréal v. Guowei Hai Gui, WIPO Case No. D2011-0775,).

Based on the assessment above, the Panel concludes that the DDN is confusingly similar to a trademark in which the Complainant holds rights.

III. Legitimate interests in a domain name

As per paragraph 4(c), the UDRP requires the Respondent's claim to be of legitimate interest and shall be:

“proved based on all evidence presented” that “shall demonstrate” the Respondent’s “rights or legitimate interests to the domain name for purposes of [Paragraph 4\(a\)\(ii\)](#). ”

Paragraph 4(a)(ii) states that:

“(i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) 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

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

The Complainant has contended:

- i. *It is respectfully submitted that neither the Respondent has obtained any permission, license or franchise from the Complainant for using the imitated trademark **BEAUTY OF JOSEON** as a domain name nor otherwise, the Respondent has any right to use the imitated trademark **BEAUTY OF JOSEON** as a domain name, alone or with another word or words.*
- ii. *Respondent lacks rights and legitimate interests in the Disputed Domain Name (www.beautyofjoseon.pk) because Respondent is not affiliated with the Complainant in any way, nor is Respondent licensed to use the **BEAUTY OF JOSEON** Mark. In the case of Capital One Financial Corp. v. Ajay Kishin, FA 1708001742880 (Forum Aug. 30, 2017) (**Annexure G-6**) (citing Reese v. Morgan, FA07020009 I 7029 (Forum Apr. 5, 2007)) (**Annexure G-7**) it was established that respondent was not commonly known by the disputed domain name where no evidence in the record showed that respondent was commonly known*

by that name, including the WHOIS information and complainant's statement that it had not authorized respondent's use of its mark.

- iii. *Respondent's actions are not a bona fide offering of goods, nor is Respondent engaged in a legitimate non-commercial or fair use of the Disputed Domain Name (www.beautvofjoseon.pk). To the contrary, Respondent is using the Disputed Domain Name (www.beautvofjoseon.pk) to deceive consumers into believing that it is affiliated or licensed by the Complainant. Respondent is not only unduly exploiting Complainant's goodwill for Respondent's own financial gain, but also attempting to deceive and mislead the public into thinking that they are dealing with Complainant or a legitimate affiliate of Complainant.*

The Respondent has not submitted a response

The Panel has reviewed the submissions of the Complainant:

The Panel notes the contention of the Complainant that the Respondent lacks rights in the DDN due to their failure in obtaining permission, license or franchise to use the Complainant's registered trademark in the DDN. The Panel further notes that the Complainant has established a prima facie case of the Respondent lacking legitimate interest in the DDN where the burden of proof shifts on the Respondent to demonstrate otherwise. If the Respondent fails to do so, the complainant is deemed to have satisfied the second element (See MicroBilt Corporation v. Greg J Michalko Case No. D2024-2212).

The Panel finds that the failure to submit a response to the Complaint, the Respondent has failed to invoke any other circumstance that might demonstrate, pursuant to paragraph 4(c) of the Policy, that it holds some right or legitimate interest in the disputed domain names (See Ahead Software AG. v. Leduc Jean, WIPO Case No. D2004-0323).

Consequently, the Complainant has made a prima facie case that the Respondent has no rights or legitimate interests in the domain name and the Respondent failed to meet the burden shifted upon them.

The Panel therefore finds that the Respondent does not have any legitimate interest in the DDN.

IV. Registration and use in bad faith

The Complainant has made the following submission:

- i. *The aforesaid adoption and use by the Respondent of the imitated trademark BEAUTY OF JOSEON as its domain name is clearly willful and the Respondent has no justification or reason for adopting the imitated trademark BEAUTY OF JOSEON as its domain name as*

there are many others choices open to it and it could have adopted or can even now adopt any other domain name. The use of the imitated trademark **BEAUTY OF JOSEON** as a domain name by the Respondent is also likely to result in dilution of the exclusivity of Complainant's genuine trademark **BEAUTY OF JOSEON** as well as is likely to result in the erosion of Complainant's reputation and goodwill.

- ii. Respondent registered and is using the Disputed Domain Name in bad faith and with full knowledge of Complainant and its registered **BEAUTY OF JOSEON** Mark, which has acquired substantial repute throughout the world including in Pakistan. Given the worldwide fame and recognition of the **BEAUTY OF JOSEON** mark as well as its Pakistani use, the Disputed Domain Name could not have been chosen for any reason other than to unduly profit from the goodwill and reputation attached to Complainant's **BEAUTY OF JOSEON** trademark.
- iii. Furthermore, Panels regularly find bad faith when a Respondent registers and uses the domain name to disrupt the Complainant's business.
- iv. Additionally, Respondent had actual knowledge of Complainant's **BEAUTY OF JOSEON** Mark when registering the Disputed Domain Name, which is sufficient to constitute bad faith. In the case of *Victoria's Secret Stores Brand Mgmt., Inc. v. Michael Bach*, FAI201001426668 (Forum March 2, 2012) (Annexure G-8) it was held that despite the Complainant not submitting evidence indicating actual knowledge by Respondent of its rights in the trademark, the Panel found that, due to the fame of Complainant's mark, Respondent had actual notice at the time of the domain name registration and therefore registered the domain name in bad faith. Moreover in the case of *Bloomberg L.P. v. Xuebao Wang*, FA00 2000096305 (Forum Feb. 12, 2001) (Annexure G-9) (citing *Kraft Foods (Norway) v. Wide*, WIPO case No. D2000-09 I I (WIPO Sept. 23, 2000) (Annexure G-10) it was held that the Respondent choosing to register a well-known mark to which he had no connections or rights indicates that he was in bad faith when registering the domain name at issue. Therefore, Respondent had actual notice of the **BEAUTY OF JOSEON** Mark and chose to use it to capitalize on Complainant's good will and reputation.

Because (1) **Complainant** owns legitimate trademark rights in the **BEAUTY OF JOSEON** Mark and domain name; (2) the Disputed Domain Name is confusingly similar and/or nearly identical to **Complainant's BEAUTY OF JOSEON** mark as it wholly incorporates the **BEAUTY OF JOSEON** mark and completely mimics the Complainant's domain name and website (colorscheme, design, get-up and logo); (3) Respondent has no legitimate interest in the Disputed Domain Name; and (4) the Disputed Domain Name was registered and is being used in bad faith, the Disputed Domain Name should be transferred to **Complainant** in order to prevent Respondent from continuing to mislead consumers and unjustly benefit from **Complainant's** hard earned fame and recognition.

The Respondent has not submitted any response.

The Panel has reviewed the submissions of the Complainant.

To satisfy this criterion, the Complainant is required to prove both that the DDN was registered in bad faith and used in bad faith. For this purpose, the Complainant claims that the Respondent has deliberately registered the DDN despite being aware of the trademark to mislead customers to their website and gain reputational advantage.

The Panel relies on the Policy and finds that paragraph 4(b) sets out four circumstances out of which any one circumstance can be evidence of the registration and use of a domain name in bad faith if established (See *Amazon.com, Inc. v. Wes Mayder, WeDirect, Inc. and Iclicks* Case No. D2003-0258). One of the circumstances laid down is the use of DDN by the respondent to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark.

As a likelihood of confusion of the DDN with the Complainant's mark is already established, the Panel does not find it hard to find bad faith on the basis that the Respondent tried to capitalize on the Complainant's reputation and the goodwill by misleading users for commercial benefit without having the proper authorization or approval from the Complainant (See *Fenix International Limited v. Host Master, 1337 Services LLC* Case No. D2023-1050)

The Panel further acknowledges the global recognition of the Complainant's "BEAUTY OF JOSEON" trademark in relation to its skincare products and finds that the recognition of the Complainant's registered trademark makes it highly unlikely for the Respondent to be unaware of the existence of the mark at the time of the registration of the DDN. Moreover, the lack of information or evidence from by the Respondent further infers the use and registration of DDN in bad faith (See *eBay Inc vs Muhammad Akram* Case No. C2018-0009).

The Panel, therefore, finds that the DDN was registered and is being used in bad faith by the Respondent.

7. Decision

The Panel, upon the review of the information provided by the Complainant, recognizes that the "BEAUTY OF JOSEON" mark is registered to the Complainant and Respondent has no legitimate rights over it. Therefore, the continuous use of the DDN relating to the Complainant's registered trademark could result in hinderance in exercise of the rights of the Complainant in the trademark

and could also jeopardize the reputation of the Complainant by amounting to confusion regarding the ownership of the DDN.

Taking all the discussion above into consideration, the Panel concludes and decides that:

1. The Respondent's registration of the DDN does not violate the PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19);
2. The DDN is confusingly similar to the registered trademark of the Complainant;
3. The Respondent has no legitimate interest in the DDN; and
4. The DDN was registered and is being used in bad faith.

Pursuant to Section 4 of the Policy, the Panel, therefore, recommends that PKNIC transfer the registration of the domain name in dispute <beautyofjoseon.com.pk> to the Complainant, as prayed, within 48 hours of receipt of this decision either by email or through the website where it will be uploaded, www.dndrc.com/cases_resolved/, whichever is earlier. The Complainant shall also be at liberty to contact PKNIC for implementation of this decision.

Arbitrator: Willayat Ali Shah

Sole Panelist

Date: 9 December 2024