

## **ADMINISTRATIVE PANEL DECISION**

Coupang Corp. v. KCAMEDIA Co., Ltd  
Case No. D2023-5304

### **1. The Parties**

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

The Respondent is KCAMEDIA Co., Ltd, Republic of Korea.

### **2. The Domain Name and Registrar**

The disputed domain names <bizcoupang.com> and <coupangbiz.com> are registered with Gabia, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 21, 2023. On December 21, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On December 22, 2024, 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.

On January 9, 2024, the Center informed the parties in Korean and English, that the language of the registration agreement for the disputed domain names is Korean. On January 10, 2024, the Complainant requested English to be the language of the proceeding. The Respondent objected to the Complainant’s request and requested Korean to be the language of the proceeding.

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 23, 2024. In accordance with the Rules, paragraph 5, the due date for Response was February 12, 2024. On February 8, 2024, the Respondent requested for response extension. The response due date was extended to February 16, 2024. The Response was filed with the Center on February 16, 2024.

The Center appointed Kathryn Lee as the sole panelist in this matter on March 8, 2024. 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 is a Korean e-commerce company based in Seoul. The Complainant was founded in 2010 and is the third largest employer in the Republic of Korea with 66,000 employees. The Complainant has offices in Beijing, Hong Kong, Los Angeles, Seattle, Seoul, Singapore, Shanghai, Silicon Valley, Taipei, and Tokyo. The Complainant owns a number of trademark registrations for COUPANG, including Korean Trademark Registration Number 41-0224196 registered on January 3, 2012 and International Registration Number 1303695 registered on May 2, 2016, as well as a trademark registration for COUPANG BIZ in the Republic of Korea (Korean Trademark Registration Number 40-1789526, registered on October 20, 2021).

The Respondent is a company in the Republic of Korea.

The disputed domain names were registered on July 13, 2021 and as of the date of the filing of the Complaint, resolved to websites displaying information on promotional services under the name "PON".

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends that it has satisfied each of the elements required under the Policy for transfer of the disputed domain names.

Notably, the Complainant contends that the disputed domain names are confusingly similar to the COUPANG marks in which the Complainant has rights. Namely, the Complainant contends that the disputed domain names incorporate the COUPANG mark of the Complainant in its entirety, combined with the additional term "biz" which is a generic, colloquial term representing the word "business." Further, the Complainant notes that it has a trademark registration for COUPANGBIZ in the Republic of Korea.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain names and confirms that it has not authorized or licensed rights to the Respondent in any respect. The Complainant also contends that it has found no evidence that the Respondent is commonly known as Coupang, Coupang Biz, or Biz Coupang.

Finally, the Complainant contends that the disputed domain names were registered and used in bad faith. The Complainant states that the disputed domain names incorporate the Complainant's highly distinctive COUPANG mark as the most dominant element, and therefore, impersonate or suggest sponsorship or endorsement with the Complainant. The Complainant also contends that the Respondent registered the disputed domain names only one day after the Complainant launched its Coupang Biz service, and 11 days after the Complainant's application for the COUPANG BIZ mark was filed. The Complainant asserts that given the timeline, it is reasonable to assert that the Respondent registered the disputed domain names with bad faith to target the Complainant and its Coupang Biz service.

##### **B. Respondent**

The Respondent contends that the Complainant has not satisfied two of the elements required under the Policy for transfer of the disputed domain names. The Respondent acknowledges that the disputed domain names are confusingly similar to the Complainant's trademarks, but contends that the Respondent has legitimate interests in respect of the disputed domain names and that the Respondent did not have bad faith

in registration or use of the disputed domain names. Notably, the Respondent contends that in first quarter of 2021, it decided to launch a coupon and discount information service using the name “Coupangbiz” and acquired the disputed domain names in the same year. The Respondent claims that the name was created by combining the terms “coupon” and “business” with “pang pang,” meant to refer to the sound of coupons “popping.” The Respondent further contends that this service is currently provided in beta mode under the name PON, and that the full launch is delayed due to COVID-19. In addition, the Respondent states that it was unaware of the Complainant’s trademark registration for COUPANGBIZ until 2024, and that it had no intention to cause confusion with the Complainant’s business or use the disputed domain names in bad faith, for instance, sell the disputed domain names to the Complainant or any other party for valuable consideration in excess of the costs of acquiring and maintaining the disputed domain names, or prevent the Complainant from reflecting its trademark in domain names.

## **6. Discussion and Findings**

### **Language of the Proceeding**

The language of the Registration Agreement for the disputed domain name is Korean. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the disputed domain names incorporate the term “biz” which is a generic, colloquial term representing English word “business,” and that the Complainant and the Complainant’s authorized representative’s working language is English and translating the Complainant into Korean will incur great expense and inconvenience.

The Respondent requested that the language of the proceeding be Korean on the basis that the language in the registration agreement for the disputed domain names is Korean, and both the Complainant and the Respondent are companies located in the Republic of Korea.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties’ ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 4.5.1). Here, both Parties were permitted to and in fact did present their cases in the language of their preference. Further, the disputed domain names are composed of letters of the Latin alphabet and contain the English term “biz.”

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

### **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 Complainant has shown rights in respect of a mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the Complainant’s COUPANG mark is recognizable within the disputed domain names. Not only that, the Complainant’s COUPANG BIZ mark is reproduced exactly within the disputed domain name

<coupanbiz.com>, so the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. Under [WIPO Overview 3.0](#), section 1.1.3, the fact that a domain name may have been registered before a complainant has acquired trademark rights does not by itself preclude a complainant's standing to file a UDRP case, nor a panel's finding of identity or confusing similarity under the first element. Further, the disputed domain name <bizcoupang.com> is confusingly similar, since it is composed of the same two terms "coupang" and "biz", only in reverse.

Accordingly, the disputed domain names are respectively identical and confusingly similar 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.

The disputed domain names display what appears to be advertising services, but by the Respondent's own admission, the websites are not fully functional. Further, the name of the service is "PON" and the websites do not make any use or mention of the "coupanbiz" or "bizcoupang" names. Given the length of time that has passed since the registrations of the disputed domain names with no apparent use and no evidence that the Respondent is actively preparing to make use of the disputed domain names, the Panel finds that the Respondent has not shown use of the disputed domain names (or demonstrable plans for such use) with a bona fide offering. Likewise, there is no evidence that the Respondent is commonly known by the disputed domain names, and there has been no legitimate noncommercial or fair use of the disputed domain names.

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.

In the present case, the Panel notes that given the fame of the Complainant and its business in the Republic of Korea, it is highly unlikely for the Respondent to have not known of the Complainant and its COUPANG mark when registering the disputed domain names.

Not only that, the Respondent registered the disputed domain names just one day after the Complainant announced its new COUPANG BIZ service which was covered by various media sources, and it is unlikely for the Respondent to have registered the disputed domain names which are identical and confusingly similar exactly on that very day purely by chance. Rather, the Panel finds that it is probable and reasonable to conclude that the Respondent registered the disputed domain names in order to intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark.

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 names <bizcoupang.com> and <coupangbiz.com> be transferred to the Complainant.

*/Kathryn Lee/*

**Kathryn Lee**

Sole Panelist

Date: March 22, 2024