

## **ADMINISTRATIVE PANEL DECISION**

Henner v. Park HyungJin  
Case No. D2024-5165

### **1. The Parties**

Complainant is Henner, France, represented by TAoMA Partners, France.

Respondent is Park HyungJin, Republic of Korea.

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

The disputed domain name <henner.net> 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 16, 2024. On December 16, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 16, 2024, the Registrar transmitted by email to the Center its verification response confirming that 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 Respondent of the Complaint, and the proceedings commenced on December 17, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 6, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on January 8, 2025.

The Center appointed Stephanie G. Hartung as the sole panelist in this matter on January 13, 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**

Complainant is a company organized under the laws of France that is active in the health insurance industry and operates in a variety of areas, including social protection, advise and support of companies as well as access to care.

Complainant has provided evidence that it is the owner of various registered trademarks relating to its company name and brand HENNER, including, but not limited to, the following:

- word trademark HENNER, International registration (World Intellectual Property Organization), registration number: 1284833, registration date: August 18, 2015, status: active.

Moreover, Complainant has substantiated to own various domain names in relation to its HENNER trademark, inter alia, since 1997 the domain name <henner.com> which resolves to Complainant's official website at "www.henner.com", used to promote Complainant's services in the health insurance industry internationally.

Respondent, according to the Whois information for the disputed domain name, is located in the Republic of Korea. The disputed domain name was registered on August 22, 2017, and it resolves to a typical pay-per-click (PPC) website with hyperlinks to active third-party websites, some of which belong to Complainant's direct competitors in the health insurance industry; by the same time, the disputed domain name is offered for online sale at a price of USD 3,800.

Complainant requests that the disputed domain name be transferred to Complainant.

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

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

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name. Notably, Complainant contends that it was founded back in 1947, developing personal insurance solutions for families and employees ever since, with the HENNER trademark being used by Complainant for many years in many countries around the world.

Complainant submits that the disputed domain name is identical or almost identical to Complainant's HENNER trademark, as it incorporates the entirety of the latter. Moreover, Complainant asserts that Respondent has no rights or legitimate interests in respect of the disputed domain name since (1) Complainant has no connection or affiliation with Respondent and the latter has neither been licensed nor authorized by Complainant to use its HENNER trademark in the disputed domain name, (2) the disputed domain name is for online sale, meaning that Respondent has no intention to use it in good faith, (3) the disputed domain name resolves to a website that displays links/announcements to other websites offering services that compete with, or are related to, Complainant's services in the health insurance industry, and (4) by using a domain name which is strictly identical to Complainant's HENNER trademark, in relation to services in the field of health insurance, Respondent has deliberately sought to create a likelihood of confusion in the public's mind. Finally, Complainant argues that Respondent has registered and is using the disputed domain name in bad faith since (1) Complainant's HENNER trademark was registered and is being used by Complainant for many years in countries around the world before the disputed domain name was registered, (2) the disputed domain name identically includes such trademark, which is why resolving it to a website offering services that compete with, or are related to, Complainant's services shows clear bad faith on the part of Respondent, (3) the price offered for the sale of the disputed domain name is much higher than the base price for reserving a domain name, which leaves no doubt as to Respondent's dishonest intention to profit unfairly from the sale of the disputed domain name to Complainant's detriment, and (4) Respondent has a history of bad faith findings in 15 cases under the UDRP.

## **B. Respondent**

Respondent did not reply to Complainant's contentions.

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, Complainant carries the burden of proving:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) that Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

Respondent's default in the case at hand does not automatically result in a decision in favor of Complainant, however, paragraph 5(f) of the Rules provides that if Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute solely based upon the Complaint. Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from Respondent's failure to submit a Response as it considers appropriate.

### **A. Identical or Confusingly Similar**

First, 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 Complainant's HENNER 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.

Complainant has shown rights in respect of its HENNER trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. Moreover, the entirety of such trademark is reproduced within the disputed domain name, without any alterations or amendments whatsoever. Accordingly, the disputed domain name is identical to Complainant's HENNER trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel, therefore, holds the first element of the Policy has been established.

### **B. Rights or Legitimate Interests**

Second, paragraph 4(c) of the Policy provides a list of circumstances in which 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

In particular, Respondent has not been authorized to use Complainant's HENNER trademark (which has undisputedly been in use for many years in many countries around the world), either as a domain name or in any other way. Also, there is no reason to believe that Respondent's name somehow corresponds with the disputed domain name and Respondent does not appear to have any trademark rights associated with the term "henner" on its own. Finally, Respondent obviously has neither used the disputed domain name for a bona fide offering of goods or services nor for a legitimate noncommercial or fair purpose. On the contrary, the disputed domain name resolves to a typical PPC website with hyperlinks to active third-party websites, some of which belong to Complainant's direct competitors in the health insurance industry, for the obvious purpose of generating PPC revenues. UDRP panels agree that using a domain name to host a PPC website does not present a bona fide offering where such PPC links compete with or capitalize on the reputation and goodwill of the complainant's trademark or otherwise mislead Internet users (see [WIPO Overview 3.0](#), section 2.9). Moreover, the disputed domain name is offered on that PPC website for online sale at a price of USD 3,800. UDRP panels have recognized that holding a domain name for resale can be bona fide and is not per se illegitimate under the UDRP (see [WIPO Overview 3.0](#), section 2.1), but have also found that the mere registration of such a domain name does not by itself automatically confer rights or legitimate interests (see [WIPO Overview 3.0](#), section 2.10.1). Also, given that the disputed domain name incorporates the Complainant's HENNER trademark (which has undisputedly been in use for many years in many countries around the world) in its entirety, the disputed domain name carries, as such, a high risk of implied affiliation with Complainant and its HENNER trademarks which is why offering the disputed domain name for online sale cannot constitute fair use and, thus, cannot confer rights or legitimate interests therein (see [WIPO Overview 3.0](#), section 2.5.1).

The Panel, therefore, holds the second element of the Policy has been established, too.

### **C. Registered and Used in Bad Faith**

Third, 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, given that the disputed domain name is (1) identical to Complainant's HENNER trademark and (2) resolves to a typical PPC website with hyperlinks to active third-party websites, some of which belong to Complainant's direct competitors in the health insurance industry, it is more likely than not that Respondent was fully aware of Complainant's rights in the HENNER trademark when registering the disputed domain name and that the latter is directed thereto. Moreover, such use of the disputed domain name, for the obvious purpose of generating PPC revenues, is a clear indication that Respondent intentionally attempted to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusion with Complainant's HENNER trademark as to the source, sponsorship, affiliation or endorsement of this website. Such circumstances are evidence of registration and use of the disputed domain name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy. In this context, UDRP panels widely agree that, particularly with respect to "automatically" generated PPC links, a respondent cannot disclaim responsibility for content appearing on the website associated with the disputed domain name, and that the fact that such PPC links are generated by a third party (e.g., the Registrar) would not by itself prevent a finding of bad faith. [WIPO Overview 3.0](#), section 3.5. Finally, the Panel recognizes that Respondent has been a party to a number of UDRP proceedings in the past, in all of which the respective panels found bad faith acting on the part of Respondent, which at least throws a light on this case, too, and supports this Panel's view to again find that Respondent has registered and is using the dispute domain name in bad faith.

The Panel, therefore, holds that Complainant has established the third element of the Policy, too.

## 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, <henner.net>, be transferred to Complainant.

*/Stephanie G. Hartung/*

**Stephanie G. Hartung**

Sole Panelist

Date: January 21, 2025