

Domain Name Dispute Resolution Center (DNDRC)

Arbitration and Mediation Center

COMPLAINT PANEL DECISION

Case No. C2025-0006

Also in PDF C2025-0006

1. The Parties

The Complainant is COSRX inc. having its office at West - 5F, Centerfield, 231, Teheran-ro, Gangnam-gu, Seoul, Republic of Korea. The Complainant has initiated the complaint vide their authorized representative, A.A. & Associates, s, Room # 306-307 Asad Chamber, Shumbonath Street, Saddar, Karachi, Pakistan.

The Respondent's name is Irfan Shaukat, with their address at House No. 24 Block No. 2 Sector B1 Township Scheme, Lahore, Pakistan.

2. The Domain Name and Registrar

The domain name in dispute is <cosrx.pk>, hereinafter referred to as the Disputed Domain Name [the DDN"]. Vide email dated 29 October 2024, PKNIC has informed DNDRC that the DDN was registered by the Respondent.

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 14 October 2024 after which DNDRC completed its compliance review.

PKNIC provided the details of the Respondent to DNDRC on 29 October 2024.

The Respondent was issued a notification of the dispute along with a copy of the Complaint and a Response Form on 02 November 2024 informing the Respondent that if a Response was not received 10 days from the notification, the dispute would be proceeded ex parte. A subsequent reminder to file the Response Form was sent to the Respondent on 09 December 2024, to which

an informal response was received on 17 December 2024. A further reminder to submit a formal response was sent on 23 December 2024 to which the Respondent requested for an extension on 28 December 2024. The Panelist was awarded an extension till 06 January 2025, which was communicated via email to the parties on 30 December 2024.

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

4. Factual Background

The DDN upon which the Complaint is based is <cosrx.pk>.

PKNIC has confirmed via their email dated 29 October 2024 that the DDN was registered by the Respondent above-named and that the email address provided at the time of registration is irfanmit2@gmail.com. The Respondent has since failed to submit a response within the prescribed time.

1. Parties Contentions

A. Complainant

The Complainant's brief contentions are reproduced below:

As used herein, "Complainant" or COSRX means COSRX Inc. and its affiliates, licensees and predecessors in interest.

The Complainant holds the intellectual property rights, including extensive proprietary rights, in the trade name and trade mark COSRX and variations thereof, associated logos and get-ups and other trademarks (hereinafter collectively referred to as the "COSRX Marks") and domain names such as inter alia cosrx.com and variations thereof (hereinafter collectively referred to as the COSRX Domain names").

The Complainant owns registrations and applications for registration of the COSRX Marks in multiple countries around the world, including Pakistan, in respect of goods and services falling in classes 3, 5 & 35 of the International Classification of Goods and Services. The earliest registration of the COSRX Marks date back to the year 2015. A list

of such trademarks and the countries in which the Complainant maintains COS Marks registrations and applications around the world are set out below

S. No.	Country	Trademark	Registration No.	Registration Date	Class
1.	South Korea	COSRX	4500530950000	2015-01-05	03, 35
2.	South Korea	COSRX	4016136700000	2020-06-08	03
3.	Australia France Germany Hungary India Japan Mexico	COSRX	1334993 (International Registration)	2017-01-12	03
	Norway Philippines Poland Russian Federation Singapore Spain United Kingdom Viet Nam				
4.	Bahrain Botswana Egypt Indonesia Israel Italy Kenya Malaysia Philippines Singapore Sudan Tunisia Turkey Zambia	COSRX	1489899 (International Registration)	2019-08-10	03
5.	Bhutan Brazil Cambodia European Union Kazakhstan Kyrgyzstan Mongolia New Zealand Norway Pakistan Serbia Switzerland Ukraine United Kingdom Uzbekistan	COSRX	1607632 (International Registration)	2021-07-07	03

	Viet Nam				
6.	United States of America	COSRX	5271842	2017-08-22	03
7.	China	COSRX	14966434	2015-09-14	03
8.	Thailand	COSRX	191101266	2017-08-25	03
9.	Malaysia	COSRX	2017066315	2017-08-24	03
10.	Hong Kong	COSRX	304229352	2017-08-02	03
11.	Indonesia	COSRX	IDM000773449	2020-05-29	03
12.	Taiwan	COSRX	02294804	2023-05-16	03
13.	United States of America	COSRX	6481892	2021-09-14	05
14.	Bhutan Brazil Cambodia European Union Kazakhstan Kyrgyzstan Mongolia New Zealand Norway Pakistan Serbia Switzerland Ukraine United Kingdom Uzbekistan Viet Nam	COSRX	1608530 (International Registration)	2021-07-09	05
15.	China Indonesia Malaysia Philippines Singapore Thailand	COSRX	1546892 (International Registration)	2020-07-22	05
16.	Argentina	COSRX	3367058	2023-02-08	05

Attached hereto and marked as Exhibit_ are copies of the registration certificates of some of the aforementioned trade mark registrations

Further, complete particulars of the Complainant's registration over the mark COSRX in Pakistan is set out below

Mark	Class	No.	Applicant	Status
COSRX	5	IR. 1608530 (2021-07-09)	COSRX INC.	registered

Attached hereto and marked as Fyhibit_4 is the copy of the registration certificate issued by the Trade Marks Registry of Pakistan in respect of the COSRX mark registered in Pakistan.

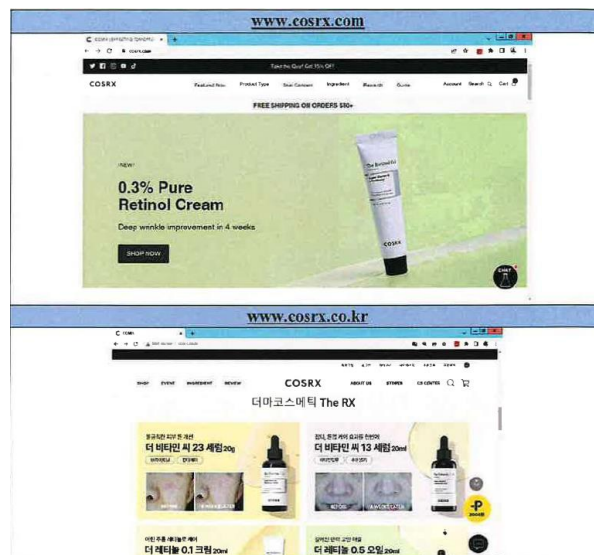
- (i) *COSRX inc. is a Korean beauty brand founded by Mr. Jun Sang Hun (now, the acting CEO of COSRX inc.) as a small skin-care brand in the year 2002' which was later formally incorporated as a company on December 16, 2013. With customized solutions being their top priority for premium quality skin-care needs of their customers, the name COSRX was originally coined as a result of the combination of the terms "Cosmetics + Rx (symbol for prescription) = COSRX"*
- (ii) *With skin-friendly ingredients that alleviate irritated skin, the Complainant aims to provide a better tomorrow for their customers, which has been the inspiration behind conceptualizing their brand's slogan Expecting Tomorrow.* 
- (iii) *COSRX currently has developed and is selling more than 150 types of cosmetic products that are supplied to more than 146 countries globally. Being a leading Korean K-beauty brand, COSRX has become significantly popular in the cosmetic skincare sector globally and has been recognized as the No. 1 brand in the skincare sector in the Philippines on Shopee (the leading online platform in Southeast Asia) and No. 2 brand in the skincare sector in Malaysia on Shopee" The Complainant has also achieved an average growth rate of 205% on Amazon in U.S, and has garnered 1.3 billion cumulative brand views on the social-media platform Tik Tok.*
- (iv) *Through the years, Complainant's products have been awarded the Global Beauty Awards more than 119 times, during the period 2014 - 2021. The Complainant's COSRX products, with 8 product lines, including FULL FIT, PURE FIT, SHIELD FIT, REAL FIT, ONE STEP, HYDRIUM, BALANCIUM, AC COLLECTION, has won many overseas and Korean awards including Amazon Best Seller in Facial Cleansing Gels, Amazon's Choice, Get It Beauty 2020 View Label, 29 BEAUTY AWARD 2020, and many other famous awards in the beauty industry. In recent times, COSRX has been named a 2023 TOP Brand Seller by the e-commerce giant Amazon. This year, COSRX's exceptional growth and success in the highly competitive e-commerce marketplace has earned the brand a place on this highly coveted list. A representative snapshot of titles awarded to the Complainant's products has been pasted below:*

Awards 2014 - 2021
119 Winners



2014 ~ 2021 Global Beauty Awards - 119 Winners

- (v) In 2022, COSRX experienced significant growth on Amazon's marketplace, with an average increase of 266% in overall sales. Most notably, in the United States, the snail line, including the Advanced Snail 96 Mucin Essence, Advanced Snail 92 All in One Cream, Advanced Snail Radiance Dual Essence, and Advanced Snail Mucin Power Sheet Mask, has experienced a significant increase in sales thanks to being part of the list of TikTok famous products. Moreover, during the 2022 Amazon Prime Day event, the Complainant's Acne Pimple Master Patch led to record-breaking sales, achieving a 660% increase compared to the previous year.
- (vi) Complainant had first registered the COSRX-formative ccTLD www.cosry.co.kr in the year 2006, followed by the top-level domain name www.cosrx.com on December 04, 2007 wherein an active website has been operating for many years. Relevant screenshot of Complainant Company's website displaying the trade mark COSRX is copied below:



- (vii) Further, with the expansion of Complainant's international business, they have also registered additional COSRX-formative top-level domain names. Some of the said domain names either have independent websites or are redirected to the Complainant's parent website www.cost.com. A non-exhaustive list of such domain names is below:

S. No.	Domain Name	Creation Date	Country
1.	cosrx.co.kr	September 15, 2006	South Korea
2.	cosrx.com	December 04, 2007	gTLD
3.	cosrx.kr	November 19, 2014	South Korea
4.	cosrx.de	March 28, 2017	Germany
5.	cosrx.jp	March 28, 2017	Japan
6.	cosrx.id	March 29, 2017	Indonesia
7.	cosrx.ph	March 29, 2017	Philippines
8.	cosrx.tw	March 29, 2017	Taiwan

Copies of a few of the aforesaid website pages and their corresponding WHOIS resare marked as Exhibit 5.

- (viii) The reputation of a trade mark in today's world is not limited either by geographical or political boundaries as with the ease of communications, people and reputations travel around the world crossing such boundaries, as if they did not even exist. With the advent of satellite television and lately the Internet, the world has become a global village. The reputation of a trade mark flashes quickly throughout the world through the aforesaid media of advance information technology. Complainant Company has a presence on the internet and information about them is accessible to persons in Pakistan and abroad. Even a simple online search for the word COSRX reveals details of Complainant Company's various products under the said mark.
- (ix) In addition to Complainant's official websites, Complainant also uses the medium of social media to promote its goods/services under various trade marks including COS¥ and variations thereof. Therefore, Complainant has been promoting its business on various social networking websites like Facebook (17K Likes and 21K Followers as on August 22, 2024), YouTube (12.4K Subscribers as on August 22, 2024), Instagram (635K Followers as on August 22, 2024), TikTok (23IK Followers as on August 22, 2024) and X(8.8K Followers as on August 22, 2024).
- (x) Further, Complainant's COSRX branded products are available for sale on various well known and popular e-commerce websites in_ Pakistan like <https://beautyglance.pk!> <https://www.theskinfit.com>, etc Screenshots of Complainant's products as available on

some e-commerce websites in Pakistan, is copied below:

URL & SNAPSHOTS	
Beauty Glance https://beautyglance.pk/brand-cosrx	The Skin Fit https://www.theskinfit.com/search?value=cosrx

- (xi) By virtue of continuous and extensive use worldwide and in Pakistan, and the quality of Complainants products, Complainants business has acquired substantial reputation in the industry and its trade mark COSRX and variations thereof are always associated with its business and products alone As a result of the above-described extensive use and promotion, the mark COSRX has become distinctive and famous globally and have enjoyed such distinctiveness and notoriety since long prior to the date on which Respondent registered the Domain Name i.e. December 07. 2023.
- (xii) The Complainant makes every effort to protect its trade mark rights. Protection of the Complainant's trade marks extends beyond registration activities to enforcement actions, which range from opposing trade mark applications for same or similar marks to sending cease and desist letters to infringers of identical or deceptively similar marks.

SUCCESSFUL DOMAIN ENFORCEMENT ACTIONS

- (xiii) The Complainant has also taken successful domain recovery action against various domain names globally. Details of the decisions passed in favor of the Complainant by the Domain Name Dispute Panels have been mentioned below:

Case No.	Date Of Decision	Domain Name	Panel Decision
UDRP Case COSRX v. 陈龙 (chenlong) Case No. D2023-2785	August 27, 2023	COSRXUS.COM	Domain name transferred to COSRX Inc. A copy of the decision may be accessed here (at the URL https://www.wipo.int/amc/en/domains/search/fulltext_decisions.jsp?q=cosrx).
INDRP Case – India COSRX INC v. Tejas Taori INDRP	March 11, 2024	COSRX.IN	Domain name transferred to COSRX Inc. A copy of the decision may be accessed here . (at the URL https://www.registry.in/s3-assets/indrp-1805_repaired.pdf).

Therefore, the Complainant seeks the following remedy:

In accordance with [CANN Policy, paragraph 4(i), and PKNIC - Internet Domain Registration Policy, paragraph 4. for the reasons described in paragraph 8 above, Complainant requests the Administrative Panel appointed in this administrative proceeding to issue a decision to transfer the disputed domain name COSRX.PK " to the Complainant.

B. Respondent

The Respondent has not submitted any 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 DDN, 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 stated:

- (xxiv) *The unauthorized adoption and registration by the Respondent of the Disputed Domain Name (which consists of the Complainant's registered trademark COSRX) constitute inter alia the actionable wrongs of infringement and passing-off. By such adoption and registration, the Respondent infringes the exclusive rights vested in the Complainant in respect of the trademark COS RX in Pakistan. Moreover, through such registration or use of the Disputed Domain Name, the Respondent intends to mislead the general public, including the Internet users in Pakistan and elsewhere, and to cause them into believing that the Disputed Domain Name is authorised or controlled by the Complainant or persons having a business connection with the Complainant, which is not the case. This is grossly exacerbated by the fact that the Respondent appears to be mimicking Complainant's official website www.cosrx.pk.*
- (xxv) *The unauthorized adoption, registration and/or use by the Respondent of the Disputed Domain Name further falls within the prohibition of the provisions of the Trade Marks Ordinance 2001 and the Pakistan Penal Code, 1860, including, in particular, sub-section (6) of section 40 of the Trade Marks Ordinance 2001; clause (1) of paragraph 4 of Third Schedule to the Trade Marks Ordinance 2001; and sections 480, 481, 482, 483, 485 and/or 486 of the Pakistan Penal Code 1860. Text of these provisions is attached hereto as Exhibit_ 133, Furthermore, in this regard, the Complainant relies on the analysis and findings of the DNDRC Panel in Standard Chartered PLC v. Hosting Campus Domain (Case No, C2007-0001, dated 30 August 2007 -- (copy attached as a part of Exhibit 7 supra mentioned earlier).*
- (xxvi) *In view of the above, there is no doubt that the Domain Name and/or the Respondent contravene the provisions of the Policy Agreement and the PKNIC - Internet Domain Registration Policy (attached hereto respectively as Exhibit 14), which provide inter alia that:*

- (a) *The applicant for registration of a domain name at the time of making the application expressly represents, agrees, and warrants as follows:*
 - *applicant's statements in the application are true and the applicant has the right to use the domain name as requested in the application;*
 - *applicant has a bona fide intention to use the domain name on a regular basis on the Internet;*
 - *the use or registration of the domain name by the applicant does not interfere with or infringe the right of any third party in Pakistan, with respect to trade mark, service mark, trade name, company name or any other intellectual property right; and*
 - *applicant is not seeking to use the domain name for any unlawful purpose, including, without limitation, tortious interference with contract or prospective business advantage, unfair competition, injuring the reputation of another, or for the purpose of confusing or misleading a person, whether natural or incorporated.*
 - (b) *The applicant of a domain name at the time of making the application certifies that, to his or her knowledge, the use of the domain name does not violate trade mark or other statutes.*
 - (c) *The Respondent has intentionally registered and used the Domain Name violating the Policy Agreement and the PKNIC . Internet Domain Registration Policy In this regard before approaching the Honourable DNDRC Tribunal, the Complainant through its lawyers approached PK NIC on the basis of its registered prior rights in the COSRX Marks for details of the Registrant and resolution of the matter, whereupon the Complainant was directed to approach the DNDRC forum. Hence the subject complaint is being filed upon such direction by PKNIC in Pakistan*
- (xxvii) *It will be noted that the DNDRC Panel in Standard Chartered PLC v. Hosting Campus Domain (Case No, C2007-0001, dated 30 August 2007) (see **Exhibit 7 supra**) has found that if a complainant simply establishes that the Respondents domain name infringes upon the complainant's registered trade name or trade mark, this renders the*

Respondent's domain name to be illegal, unlawful and invalid and further constitutes an adequate ground for the transfer of the domain name to the complainant.

The Respondent has not submitted any response.

To prove illegality or unlawfulness, it is sufficient if the Complainant establishes entitlement to a trademark wholly incorporated within the DDN. The Complainant has provided proof of the registration of their trademark “COSRX” in multiple jurisdictions, including Pakistan, which has been entirely incorporated within the DDN. This clearly demonstrates that the DDN infringes upon the Complainant’s rights.

From this information, the Panel finds that the registration of the DDN infringes upon the rights of the Complainant and is thus illegal. However, for the purpose of fairness, we shall assess the remaining UDRP criteria.

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

The Complainant has stated:

- (xiv) *Complainant is the registered proprietor of the trademark COSRX in many countries around the world. including in Pakistan. and has been continuously and exclusively using the same in relation to its business for many years. As stated in the preceding paragraphs, Complainant has continuously been in use of the brand since its launch in December 2013 which is much prior to the date on which Respondent registered the domain ie. more than ten years apart, B virtue of long-standing use and registration, Complainants trademark COSRX qualifies to be a well-known mark and is bound to be protected.*
- (xv) *The disputed domain name incorporates the Complainants registered trademark COSRX, which is also the principal element of the trade name of the Complainant COSRX. Inc. and is 1dential to their top-level domain name <COSRX.COM>.*

As stated by the WIPO Panel in Dr Ing. H.e.E. Porsche AG v. Vasiliy Terkin (Case No D2003-0888, dated 6 January 2004 a domain name that wholly incorporates a

complainant's registered trade mark is sufficient to establish confusing similarity.

(xvi) *The additional element .PK is insufficient to negate the confusing similarity between Respondents domain name and Complainants famous mark, especially where the same is merely acc[LD. Reliance is placed on the following cases wherein the use of an additional feature (such as a ceTLDy does not make the domain name in dispute sufficiently distinct from the trademarks of the complainants: Hewlett-Packard Dev Co. LP • Surya Tech FA0708001059665 (Nat. Arb. Forum Oct. 2, 2007) (the addition of the gTLD are not sufficient to differentiate a domain name from a known mark , Dell Inc. Protection of Private Person Privacy Protection, FA1606001681432 (Nat. Arb. Forum Aug. 1, 2016) (A TLD twwhether a gTLD, TLD or ecTLD) is disregarded under a Policy " 4ta)ti) analysis because domain name syntax requires TLDs). Further, it is also important to note that WIPO has stated in its publication titled WIPO Oerview of W[PO Panel Views on Selected UDRP Questions. Third Ed. under paragraphs 1.2.1 and 1.12 that "here the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP ease"; Where the complainant's trademark is recognizable within the disputed domain name, the addition of other third-party marks (i.e., • markl +mark.ld), is insufficient in itself to avoid a finding of confusing similarity to the complainant's mark under the first element of the UDRP Copies of these decisions/cases are attached hereto as Exhibit 6.*

(xvii) *Furthermore, the also Complainant relies on the analysis and findings of the Pakistan DNDRC Panel in the following matters:*

(a) In the matter of Standard Chartered PLC • Hosting Campus Domain (Case No. €2007-0001, dated 30 August 2007) wherein it was held that irrespective of the contents of the website or the goods and services offered on the website, as long as the domain name in dispute is confusingly similar or identical to the trade mark in question, the use of the domain name would be an infringement of the registered trademark;

(b) In the matter of Pakistan Herald Publications Private) Limited. v. Averroes Sapertise Management, (Case No. €2011-0001, dated 30 March 2011) wherein it was held that on account of the popularity and goodwill subsisting in the complainant s trademark 'DAWN' and the fact that trademark registration had not been obtained not just in Pakistan but in various countries around the world was sufficient to show that the domain name

registration had been obtained in bad faith and on the basis of inter alia the same the complaint was allowed and the domain name registration was cancelled.

(c) In the matter of Google Inc. v Starcom Systems. Case No, C2013-0004. dated 21 September 2013 wherein it was held that upon evidence of mala fide intention on the part of a registrant of a domain name is sufficient ground to cancel the registration of the domain name and that it is the duty of the respondent to rebut any of the contentions made by the proprietor of the registered trademark.

*(d) In the matter of New England Authentic Eats LLC ["PAPA GINO'S"] v. Tariq Ahmed Khan [C2023-0001]. it was held that /t is an established principle that the incorporation of a Complainant's trademark in full within a disputed domain name may be sufficient to establish confusing similarity between the mark and the disputed domain name." and had ordered for the domain name <**papaginos.pk**> to be transferred to the Complainant.*

*Copies of these abovementioned cases are attached hereto as **Exhibit 7**.*

*(xviii) Based on the above submission, there can be no doubt that the Disputed Domain Name **COSRX.PK**" is identical and/or confusingly similar to the COSRX Trade Marks in which the Complainant has prior exclusive rights.*

The Respondent has not submitted any response.

The Panel acknowledges that UDRP panels have consistently held that a domain name is identical or confusingly similar to a trademark when the trademark is clearly recognizable within the DDN, regardless of additional terms. This principle is supported by prior WIPO and DNDRC cases.

By applying the test under paragraph 1.7 of the UDRP policy, the Panel finds that the DDN wholly incorporates the Complainant's COSRX trademark without alteration. Established domain name dispute principles confirm that the complete inclusion of a distinctive mark within a domain name is generally sufficient to establish confusing similarity.

Furthermore, in line with Section 1.11 of WIPO Overview 3.0, the applicable ccTLD “.pk” is a standard registration requirement and does not affect the assessment of confusing similarity. Prior DNDRC decisions confirm that the presence of a ccTLD does not create a meaningful distinction. When disregarded, the domain name remains identical to the Complainant’s trademark.

Considering the widespread recognition of the COSRX trademark and the fact that the DDN is identical to it the Panel finds a significant likelihood of confusion. Internet users may reasonably assume that the domain is affiliated with or endorsed by the Complainant.

In light of the above, the Panel concludes that the DDN is identical or confusingly similar to the COSRX trademark, in which the Complainant holds exclusive rights. Accordingly, the first element under Paragraph 4(a)(i) of the policy is satisfied.

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 asserts that the Respondent is unable to invoke any of the circumstances set out in paragraph 4(c) of the Policy that would demonstrate its rights or legitimate interests in the Domain Name.

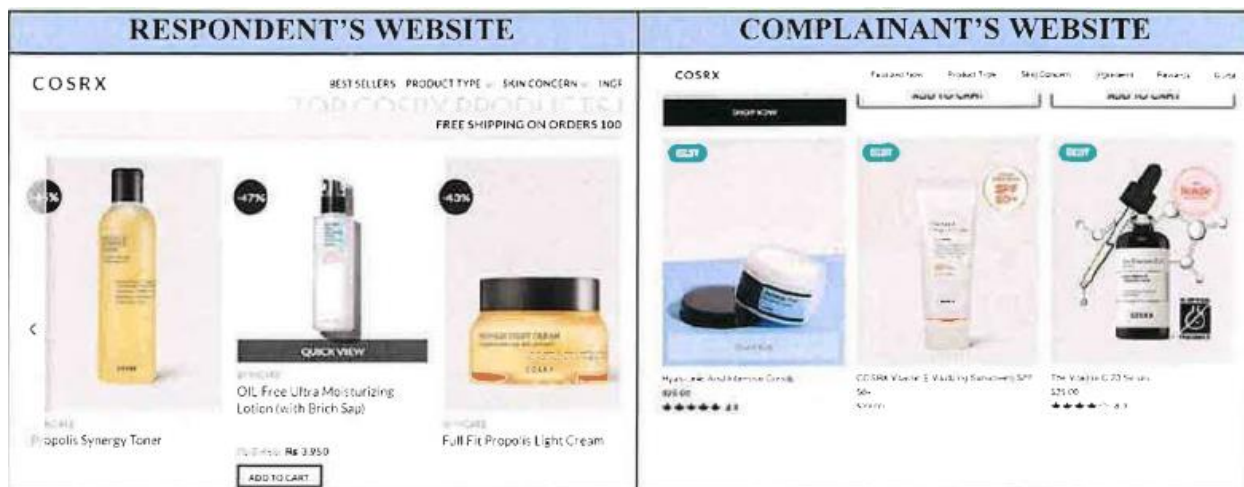
The Complainant has contended the following:

- (xix) *Pursuant to ICANN Policy, sub-paragraph 4fe), a respondent may show rights in the domain name by (1) its use or preparations to use the domain name in connection with a bona fide offering of goods or services prior to notice of the dispute; (2) being commonly known by the domain name; or (3) legitimate non-commercial or fair use.*

The Respondent fails on all counts as discussed below

*It is submitted that Respondent has no rights or legitimate interests in the domain name - <COSRX.PK>. Complainant has not authorized, licensed or otherwise allowed Respondent to make any use of its registered trade name' mark and brand name **COSRX** and/or its phonetic equivalents/variations, and Respondent does not have any affiliation or connection with Complainant or with Complainants services under the name/mark **COSRX**. Moreover, it is submitted that **COSRX** is a unique combination of terms coined by the Complainant by merging the terms "Cosmetics" and "Re" (symbol for prescription). to form the name/mark **COSRX**. that has no dictionary meaning. Thus, the Respondent does not even remotely have any reason, to use the Complainant s well known trade name/trading style and registered trademark **COSRX**"*

Further the disputed domain name <COSRX.PK> also consists of the links to the products that are the mirror image of the Complainant products available on its official website <https://www.cosrx.com/> In support of the aforesaid. A comparison between the products available on the Respondent's domain name <COSRX.PK> and products available on the Complainants website are been tabulated below:



A dated PDF copy of the above is attached herewith as **Exhibit 8.**

In view of the above, any internet user visiting the disputed domain name will naturally assume that the disputed domain name and the products available under the brand name **COSRX** belong to or have been authorized by the Complainant or that the disputed domain name and website hosted thereon is owned by the Complainant or is that of any authorized dealer or distributor of the Complainant in Pakistan, when it is not so. Further, this is grossly exacerbated by the fact that the Respondent is **actually offering for sale/ selling COUNTERFEIT COSRX branded products from the above website, which the Complainant has duly verified upon making a test-purchase from the website hosted on the disputed domain name.** For the Panels' reference, a detailed comparison showing that the products being sold on the website hosted on the disputed domain name are Counterfeit, is attached herewith as **Exhibit 9.**

Therefore, it is submitted that Respondent has no rights or legitimate interests in respect of the impugned domain name and is incapable of making a legitimate commercial, or fair use of the domain name. If the motive of the Respondent was bonafide, the Respondent could well have chosen a domain name as well as a brand name that was not identical to the Complainant's and/or in which the Complainant had no rights and would not have been engaged in selling counterfeits. Hence, the Respondent is clearly using the disputed domain name/brand name with malafide intentions.

- (xx) Assuming without admitting that the Respondent would not have known of the Complainants trade marks, a simple Google search would have revealed the Complainants trade mark rights to the Respondent immediately In this regard, reliance is

placed upon Nuplex Industries Limited v. Nuplex, WIPO Case No, D2007-0078I'Oreal r Domain Park Ltd., WIPO Case No D2008-0072

*In any case. given that the Respondent is selling **COUNTERFEIT COSRX** branded products from the website hosted on the disputed domain name, it is undeniable that the Respondent was well aware of the Complaint, its trade marks, its products, etc., before registering the disputed domain name.*

(xxi) *The act of selling counterfeits in itself shows that the Respondent does not have any rights or legitimate interests in the domain name. Many prior UIDRP panels have held that there can be no legitimate interest in the sale of counterfeit goods, including in*

a. Farouk Systems, Inc. • QM [WIPO Case No. D2009-1572]

b. Mattel Ince. v Magic 8 ball factory [WIPO Case No. D2013-0058]

c. Skechers US4, Ie I Client Care, Weh Commerce Communications Limited [WIPO Case No. D2021-4182]

d. Bayerische Motoren Werke AG v Antonio Vernacchia [WIPO Case No. D2019-0558]

*Copies of the above WIPO UDRP decisions are annexed herewith as **Exhibit 10.***

(xxii) *Furthermore. Respondent herein has registered the disputed domain « approximately 10 years after the brand launch by the Complainant ie., in December, 2013. and several years after the Complainants trademark registrations. Under the circumstances of this case, Respondent's use of the disputed domain name is not a "bonafide offering of goods or services" within the meaning of Paragraph 4 (ct1) of the ICANN Policy since there is no apparent legitimate justification for Respondent's registration of the domain name, that is visually, phonetically, conceptually, deceptively and confusingly similar/identical to Complainant's trade name/mark COSRX.*

Further, the continued ownership of the disputed domain name <COSRX.PK> by the Respondent, despite not having any legitimate or fair reason to do so, prevents Complainant from reflecting its trademark in the subject domain name. In Motorola, Inc. vs NewGate Internet, Ine ·WIPO Case D20000079), it was held that use of the trademarks not only creates a likelihood of confusion with Complainants' marks as to the source, sponsorship, affiliation, or endorsement of its website, but also results in dilution of the marks.

*In fac t, the present domain dispute also appears to be similar to the case of L'Oreal v Irfan Shaukat [Case No, C2022-0009] regarding the domain name <CERAVE.PK>, wherein the Respondent was using the said domain name to host a fake website that reproduces Complainant's trademark and its visuals mimicking its official website, offering cosmetic products under the Complainant's trademark for sale with a discount, which are counterfeit goods. In these circumstances, the Panel in the above case had held that the Respondent has no rights or legitimate interest in the domain name. A copy of the said DNDRC decision is attached herewith and marked as **Exhibit 11.***

For the reasons stated in the foregoing paragraphs, it is not possible to conceive of any plausible use of the domain name <COSRX.PK> by Respondent that would not be illegitimate, as it would inevitably create a false association and affiliation with Complainant and its well-known trade mark COSRX Therefore. it is submitted that Respondent has no rights or legitimate interests in respect of the impugned domain name.

The Respondent has not submitted any response:

For the purposes of this criterion, once the Complainant asserts that the Respondent lacks a legitimate interest in the DDN, the burden shifts to the Respondent to prove otherwise (*MicroBilt Corporation v. Greg J Michalko*, Case No. D2024-2212). The Complainant has made a prima facie case by demonstrating that the Respondent has no authorization, license, or affiliation with the COSRX trademark and is using the domain to sell counterfeit COSRX-branded products. UDRP panels have consistently held that selling counterfeit goods does not constitute a bona fide offering of goods or services and cannot establish rights or legitimate interests in a domain name (*Farouk Systems, Inc. v. QYM*, WIPO Case No. D2009-1572; *Skechers USA, Inc. v. Client Care, Web Commerce Communications Limited*, WIPO Case No. D2021-4182).

The Respondent must now provide satisfactory evidence that demonstrates otherwise, and failure to do so would result in the second element being satisfied by the Complainant. However, due to a lack of any response from the Respondent, the second element is automatically satisfied by the Complainant as the Panel is unable to ascertain whether the Respondent has a legitimate interest in the DDN.

Therefore, the Panel concludes that the Complainant has established a prima facie case that the Respondent lacks legitimate interest in the DDN. The Panel further finds that the Respondent has failed to establish that it has legitimate interest in the DDN.

IV. Registration and use in bad faith

The Complainant has made the following submission:

- (xxiii) *Sub-paragraph 4(b)ii of the [CANN Policy allows for a finding of bad faith when the registration was acquired to prevent a trade mark owner from reflecting the mark in a corresponding domain name. When Respondent acquired the Disputed Domain Name, it had constructive knowledge of the COSRX Marks via the Complainant's trade mark registrations and use in Pakistan (as well as in numerous other countries around the world) As stated by the WIPO Panel in raft Foods Norway) v redrik Wide and Japp Fredrik Wide (Case No. D2000-0911, dated 23 September 2000 -- copy attached as **Exhibit 12**) the fact "that the Respondent chose to register a well-known mark to which he has no connections or rights indicates that he was in bad faith when registering the domain name at issue".*

*Furthermore, the fact that the mark COSRX is a unique combination of words coined by the Complainant. Further aggravates the Respondent's bad faith, in as much as, the Respondent is using the identical name with respect to the impugned domain name <COSRX.PK>. There can be no other plausible explanation as to how the Respondent arrived at the impugned domain name <COSRX.PK> which incorporates the Complainant's mark **COSRX** as well as their various domain names in toto. The Respondent is neither commonly known by the disputed domain name nor does the Complainant have any relationship with the Respondent therefore, the Respondents rights and legitimate interests in the disputed domain name are highly questionable.*

*Further, it is also submitted that in light of the aforesaid immense reputation of the Complainant's mark **COSRX** worldwide, as well as its ubiquitous presence on the Internet, Respondent was, or should have been, aware of Complainant's trademarks long prior to registering the domain name. In view of the aforesaid, it is submitted that Respondent had constructive notice of Complainant's mark **COSRX**. See *Caesars World, Inc. v. Forum LLC (WIPO Case No, D2005-0517)*, *HUGO BOSS Trade Mark Management GmbH & Co. KG, HUGO BOSS AG Dzianis Zakharenka. (WIPO Case No. D2015-0640)**

Furthermore, given the Complainants prior established goodwill and proprietary rights in the COSRX Marks, the registration of the Disputed Domain Name by the Respondent is clearly in bad faith with an attempt to misappropriate and cash on and to trade unfairly upon the worldwide reputation and goodwill enjoyed by the Complainant. (The

*Pakistan Herald Publications Private) Limited. v. Averroes apertise Management, (Case No. C2011-0001, dated 30 March 2011 copy attached as **Exhibit 7 supra**).*

*In this regard, reliance is again placed on the DNDRC decision in L'Oreal v. Irfan Shaukat /Case No, C2022-0009] regarding the domain name , wherein the Respondent was using the said domain name to host a fake website that reproduces Complainant's trademark and its visuals mimicking its official website, offering cosmetic products under the Complainant's trademark for sale with a discount, which are likely to be counterfeit goods. In these circumstances, the Panel in the above case had held that the Respondent registered and used the domain name in bad faith. (copy attached as **Exhibit 11 supra**).*

In fact, it is undeniable that the Respondent had knowledge of the Complainant, its products and its trade marks prior to registering the disputed domain name, given that Respondent is using the disputed domain name to sell COUNTERFEITS. It has been held by numerous prior panels in UDRP Panels, that registration and use of domain name is in bad faith wherein the domain names are being used to sell counterfeits. [See Exhibit 9 supra]

The Respondent has not submitted any response.

The Panel acknowledges that the Complainant has established that the DDN was both registered and used in bad faith in accordance with Paragraph 4(a)(iii) of the Policy.

Regarding registration in bad faith, the Panel concludes that it is highly unlikely that the Respondent was unaware of the Complainant's COSRX trademark at the time of registration. The Complainant has demonstrated that COSRX is a unique, coined term with no dictionary meaning and that it has acquired significant reputation and goodwill worldwide, including in Pakistan. Prior UDRP decisions have consistently found that where a trademark is well known, a respondent cannot credibly claim ignorance of the mark when registering an identical or confusingly similar domain name.

The Panel also considers that the Respondent's selection of a domain name identical to the Complainant's mark, without any apparent rights or legitimate interests, strongly indicates opportunistic bad faith. The fact that the Respondent is using the DDN to sell counterfeit COSRX-branded products further supports a finding of bad faith registration and use. Prior UDRP panels have consistently held that the sale of counterfeit goods constitutes clear evidence of bad faith.

Additionally, a simple online search would have revealed the Complainant's rights in the COSRX mark. Previous UDRP decisions have determined that failure to conduct such due diligence or, alternatively, a deliberate decision to register a well-known mark despite its established reputation, supports a finding of bad faith.

As for use in bad faith, the Respondent's operation of a website that mirrors the Complainant's official site and offers counterfeit products under the COSRX brand is likely to create confusion among consumers. The evidence demonstrates that the Respondent is misleading internet users into believing that the DDN and the products offered therein are affiliated with or authorized by the Complainant, which constitutes bad faith use under Paragraph 4(b)(iv) of the Policy.

Moreover, the Respondent has not disclosed any relationship with the Complainant, nor has the Complainant granted any authorization for the use of its trademark. The Panel further notes that the registration of the DDN prevents the Complainant from reflecting its trademark in the ".pk" ccTLD, which prior UDRP decisions have held to be indicative of bad faith.

Based on the facts and evidence presented, the Panel concludes that the Respondent registered and used the DDN in bad faith, fulfilling the requirements of Paragraph 4(a)(iii) of the Policy.

7. Decision

The Panel, upon reviewing the information provided, finds that the DDN incorporates the Complainant's "COSRX" trademark in its entirety, and the Respondent does not possess legitimate rights over it. The use of the DDN could seriously hinder the Complainant's exercise of its trademark rights and jeopardize its reputation by causing confusion regarding the ownership of the DDN. The Respondent has registered and used the DDN in bad faith, likely aware of the Complainant's well-known mark, and its use of the DDN for commercial gain, including the sale of counterfeit COSRX-branded products, further suggests bad faith. Therefore, the Panel concludes that the Respondent has both registered and used the DDN in bad faith.

Keeping in consideration the aforementioned discussion, the Panel finds that:

1. The Respondent's registration of the DDN violates the PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19);
2. The DDN is identical to the registered trademark of the Complainant;
3. The Respondent has no legitimate interest in the DDN;

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 <cosrx.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: Rayyan Altaf

Sole Panelist

Date: 06 February 2025