

Domain Name Dispute Resolution Center (DNDRC)

Arbitration and Mediation Center

COMPLAINT PANEL DECISION

Case No. 2025-0012

Also in PDF C2025-0012

1. The Complainant

The Complainant is GOODAI GLOBAL, INC, having its office at 502ho, 5F, 5, Digital-ro 26-gil, Gurogu Seoul (KR), Republic of Korea. The Complainant has initiated the Complaint vide their authorized representative, KAI IP Law LLC, with their address at 4F, 19, Nonhyeon-ro 87-gil, Gangnam-gu, Seoul 06236, Republic of Korea.

2. The Domain Name and Respondent

The domain name upon which the Complaint is based is <beautyofjoseon.pk>, hereinafter referred to as the Disputed Domain Name [“the DDN”].

PKNIC has informed DNDRC that the DDN is registered by Aziz Paracha with the contact name QU Digitals, with their address at 13J, Gulberg III, Lahore and that the email address provided at the time of registration of the DDN is qudigitals334@gmail.com.

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 27 December 2024 after which DNDRC completed its compliance review.

DNDRC requested the Respondent’s details from PKNIC which were provided by PKNIC on 03 February 2024.

The Respondent was issued a notification of the dispute along with a copy of the Complaint and a Response Form on 12 February 2024 informing the Respondent that if a Response was not received 10 days from the notification, the dispute would be proceeded ex parte. The Respondent was issued a reminder to file the Response Form on 25 February 2025 and on 28 February 2025.

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

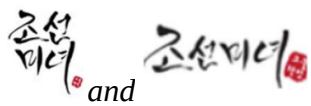
4. Parties Contentions

(a) Complainant

The Complainant's brief contentions are reproduced below:

The Complainant owned the right to the registered trademark "beauty of joseon" on the date the Complaint was filed. The Complainant has owned the right to the registered

trademark "beauty of joseon" or "beauty of joseon" inclusive marks() in countries worldwide since its registration in 2019 in USA. Please refer to the list of the Complainant's global trademark registrations in Annex 2 and the Certificates of global trademark registrations in Annex 3. And, the Complainant has trademark registrations for

* and ("beauty of joseon" in Korean) worldwide since its registration in 2017 in South Korea. The Complainant has also registered and owned the domain names including "beauty of joseon" (i.e. **beautyofjoseon.co.kr**, **beautyofjoseon.com**, etc.) since 2017. Please refer to the list of the domain names owned by the Complainant in Annex 4.*

Therefore, the Complainant seeks the following remedy:

The Complainant requests the Administrative Panel appointed in this administrative proceeding that "beautyofjoseon.pk" should be transferred to the Complainant.

(b) Respondent

The Respondent did not make a submission.

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 not contended that the DDN is illegal, unlawful or otherwise invalid.

The Respondent has not contended that the DDN is legal, lawful or valid.

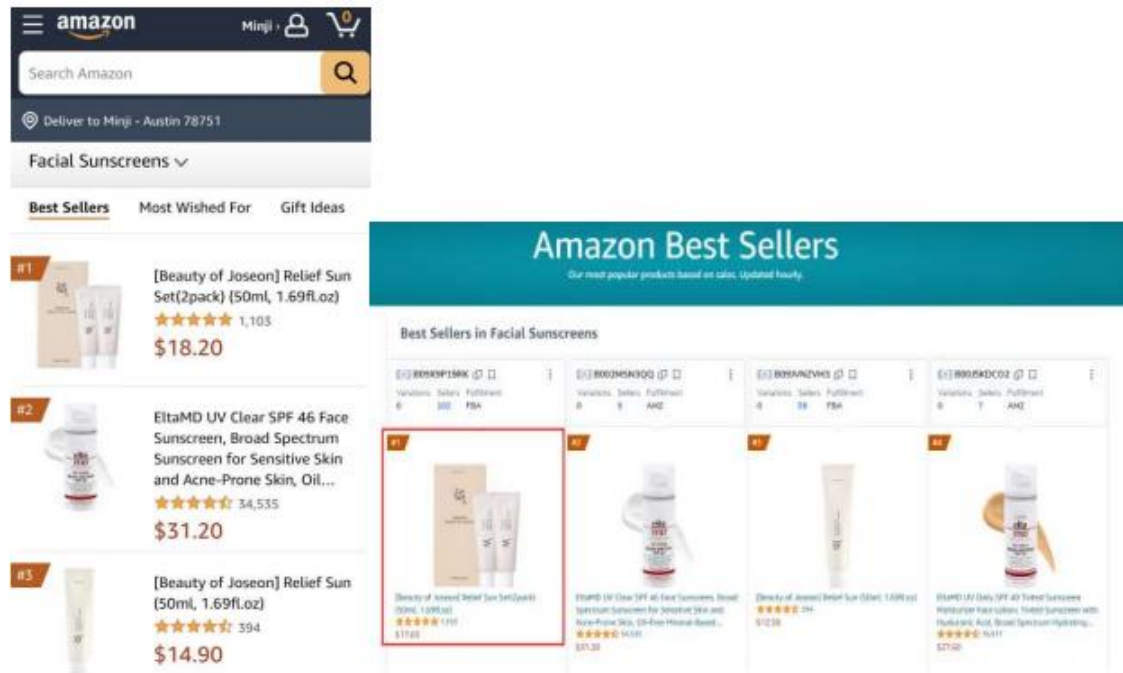
The Panel notes that the satisfaction of the criterion as stated under Para 1 and 4 of the PKNIC Policy requires express contravention of the trademark rights by the DDN. For this purpose, the Complainant has made no contention to demonstrate the violation of their trademark rights by virtue of applicable laws by the DDN, therefore, the information available to the Panel stands insufficient for the purposes of satisfying this criterion.

The Panel finds that the DDN is not illegal, unlawful or otherwise invalid. Therefore, it is imperative to assess the remaining three criteria to determine the decision of the Complaint.

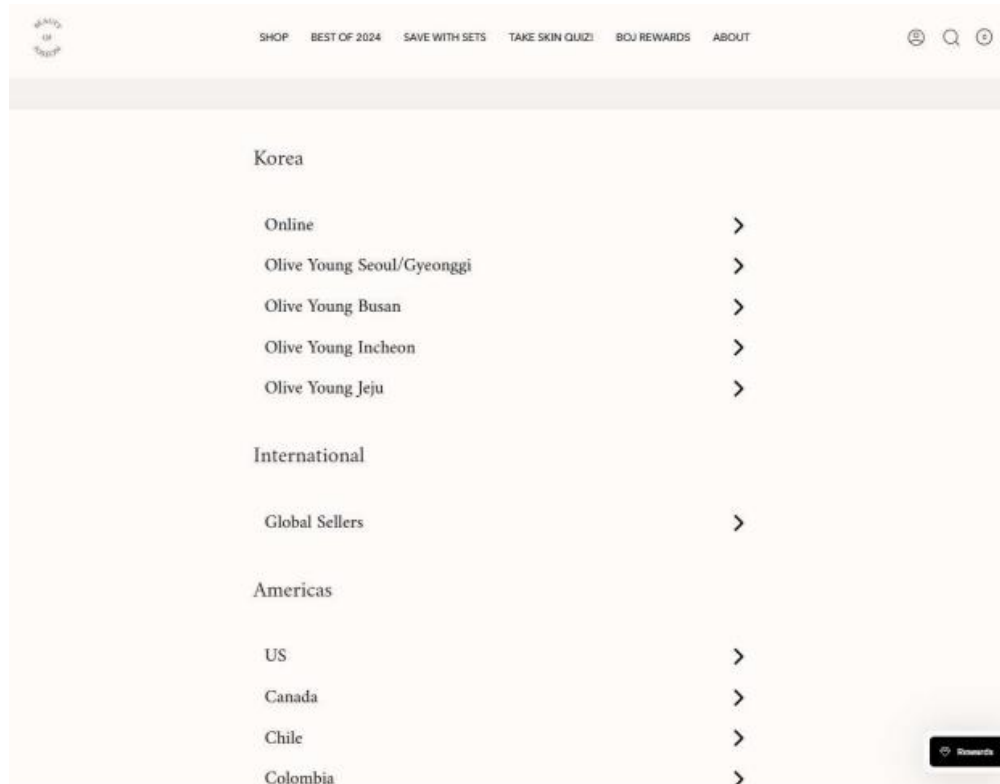
II. Identical or confusing similarity to a trademark or service mark in which the Complainant has rights

The Complainant has made the following submissions:

- (1) As we mentioned on the above No 7., The Complainant owned the right to the registered trademark “beauty of joseon” on the date the Complaint was filed.*
- (2) The Complainant’s trademark is very well known. beauty of Joseon is one of the famous cosmetic brands worldwide, and since its establishment in 2013, it has been engaged in the production, development, advertisement and sales of various Cosmetic products. **beauty of Joseon** currently is selling more than 100 types of cosmetic products through **beauty of Joseon** homepage, Amazon, shopee, TMALL, Boots, etc in more than 100 countries globally. Beauty of Joseon skincare products have already achieved significant recognition globally. They were the **Best Seller in the Sun Care category on Amazon US during Black Friday 2022 and ranked #1 in the Sun Care category on Olive Young Global Mall in 2022**. Additionally, in **February 2023**, Beauty of Joseon was featured in Allure's "**The 21 Best Korean Beauty Products to Buy at Amazon.**". The brand's global popularity is further highlighted through features in renowned beauty publications such as **L'OFFICIEL** and **VOGUE**. Please refer to the news articles in Annex 5.*



The Complainant's "beauty of Joseon" mark has gained global brand recognition as a source identifier for its products and services. Please refer to the Complainant's website for more information on the complainant's stores globally and history: Authorized Online Retailers – Beauty of Joseon, Beauty of Joseon - Shop Hanbang Korean Skincare Products. Please refer to the homepages of the Complainant in Annex 6.



- (3) ***The country code Top-Level Domain(ccTLD), functional aspects of the domain name system, can be disregarded for the purposes of assessment. In this case, “.pk” can be disregarded in the comparison.***
- (4) *The disputed domain name, which is identical to the Complainant’s registered mark, is sufficient to establish confusing similarity for the purposes of the Policy.*
- (5) ***Apart from anything else, the Complainant’s registered trademark remains visually and aurally recognizable within the disputed domain name. This is clear in a visual and aural comparison of the disputed domain name to the Complainant’s registered trademark.***
- (6) ***For the reasons above, the disputed domain name "beautyofjoseon.pk" is identical or confusingly similar to the Complainant’s registered mark, therefore it is likely to mislead internet users into believing that the Respondent is in some way related to the Complainant or is operating sales webpages of the Complainant.***

The Respondent has not contended that the DDN is not identical or confusingly similar to the Complainant's mark.

The Complainant, in their contentions, have contended that the DDN is identical or confusingly similar to the DDN and have provided corresponding proof demonstrating their ownership with respect to the trademark rights in the DDN.

The Panel reiterates the principle followed by various previous Panels of WIPO as well as the DNDRC where the incorporation of the trademark in its entirety into the DDN would be sufficient to prove confusing similarity or identity between the DDN and the trademark (See *WIPO Case No. D2011-1627, L'Oréal, Lancôme Parfums et Beauté & Cie v. Jack Yang / DNDRC Case No. 2024-0013*). Since the DDN <beautyofjoseon.pk> incorporates the Complainant's trademark "beauty of joseon" without any additions or modifications, the Panel finds that the DDN is identical to the Complainant's mark.

As for the .pk ccTLD, the Panel agrees with the contention of the Complainant and refers to WIPO Overview 3.0 Section 1.11.1 to find that the extensions such as .com or .pk are not to be taken into consideration when finding confusing similarity between the DDN and the Complainant's mark as they are necessary for registrations.

Based on the assessment above, the Panel concludes that the DDN is identical 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 made the following submissions:

*The Respondent and the Complainant are **not related in any way**. The Complainant, which is the registered owner of the mark “beauty of Joseon” has **not granted permission to the Respondent** to use or register the disputed domain name.*

The Respondent has not contended that they have legitimate interests in the DDN.

The Complainant refutes any relation between the Complainant and the Respondent, contending that the Respondent is not authorized to use or register the DDN incorporating the registered mark of the Complainant therefore, the Respondent has no legitimate interests in the DDN.

The Panel reiterates multiple decisions issued by the WIPO and DNDRC where the Complainant’s contention regarding the Respondent lacking a legitimate interest in the DDN is sufficient to shift the burden of proof to the Respondent. In such a case, the Respondent is obligated to satisfy such burden of proof by proving that they possess a legitimate interest in the DDN. Wherever the Respondent fails to satisfy such a burden of proof or omits the addressal of this contention, the Complainant would be deemed to succeed in proving that the Respondent lacks legitimate interest in the DDN (See WIPO Overview 2.1).

Given the above, the Complainant has established a prima facie case that the Respondent lacks legitimate interest in the DDN. The Respondent, by failing to make any contention in this regard, has failed to satisfy the burden of proof shifted upon him.

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

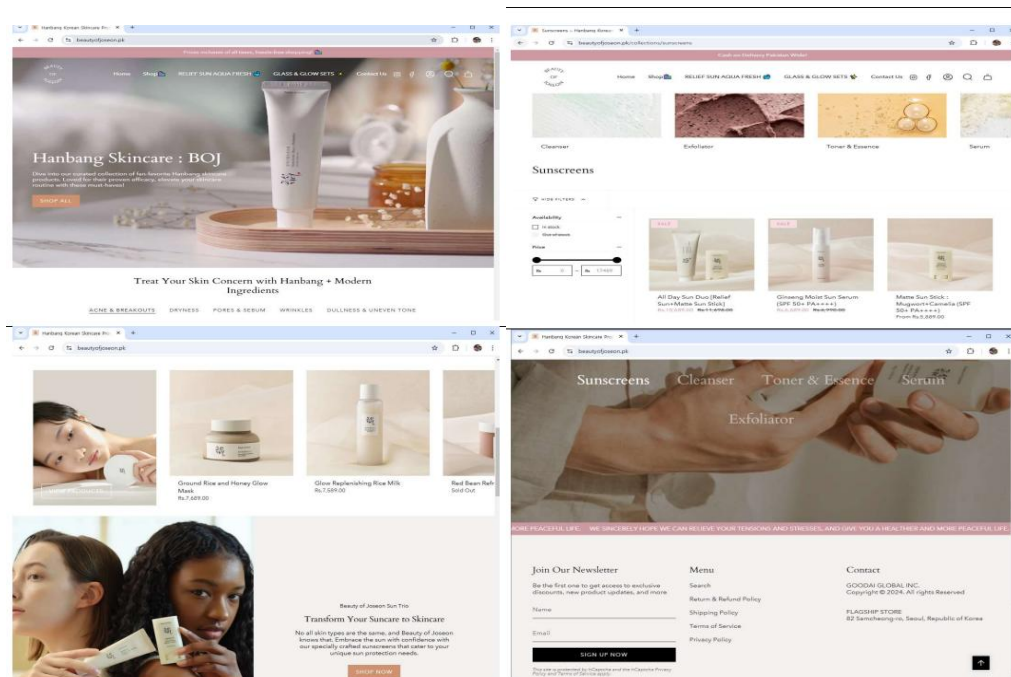
IV. Registration and use in bad faith

The Complainant has made the following submissions:

(1) The “beauty of joseon” or “beauty of joseon” inclusive marks () has been registered and remains valid in various countries worldwide since 2019, which is about 5 years earlier than when the disputed domain name is registered on June 4, 2023

And as described above, the Complainant is one of the famous cosmetic brands worldwide and is recognized as a global leader in the cosmetic industry. Given the uniqueness and worldwide reach of the Complainant's mark and services, the Respondent was undoubtedly aware of the mark when it registered the disputed domain name.

Furthermore, The Respondent deceives consumers by impersonating the Complainant's beauty of Joseon homepage and displaying images and videos of every beauty of Joseon products and advertising materials copied from the Complainant's homepage to entice consumers. It is evident that the Respondent has stolen the complainant's trademarks and registered/used domain names fraudulently. Consumers have unknowingly accessed on the Respondent's website ("beautyoffjoseon.pk") to buy the beauty of Joseon products, however, they were asking and complaining to us about "beautyoffjoseon.pk" is not working and being deceived. Please refer to the Respondent's websites in Annex 7.



- (2) The disputed domain name was used to create the Respondent's website, which incorporates the Complainant's registered mark, thereby giving the false impression that the websites are operated by the Complainant or that the Respondent is in some way associated with the Complainant or is Pakistan homepage of the Complainant. In addition, the identical or confusingly similar disputed domain name leads to the

*Respondent's website, offering links to **various cosmetic products that are apparently identical to those of the Complainant.***

As you can see the above, the Respondent is displaying the Complainant's beauty of Joseon cosmetics(i.e. they are using images of the Complainant's beauty of Joseon cosmetics without any permission). Please refer to Annex 7, a printout of the Respondent's website using the disputed domain name. Moreover, as we mentioned above, the Complainant has already received the decision for transfer in the case of "beautyofjoseon.com.pk" (Case No. C2024- 0013) on December 9, 2024. We strongly assume that the registrants of "beautyofjoseon.com.pk" and "beautyofjoseon.pk" will be same, since they are still connected online.

*(3) Therefore, it is clear that **the Respondent has registered and is using the disputed domain name in bad faith** with the intention to obstruct the Complainant's business or to gain profits illegally by impersonating the Complainant's business or to deliberately lure internet users to the website for commercial gain by creating a likelihood of confusion with the Complainant's mark and business as to the source, sponsorship, affiliation or endorsement of the website or products and/or services in question.*

(4) For the foregoing reasons, and in accordance with Paragraph 4(a) of the Uniform Domain Name Dispute Resolution Policy (UDRP), adopted by the registration authority of .PK, it is clear that the Respondent used and registered the Disputed Domain Name in bad faith.

Furthermore, as we can see the above, the Respondent has unlawfully replicated the images of the complainant's products and websites on their web pages linked to "beautyofjoseon.pk." This was clearly intended to pressure the complainant into purchasing the domain at an inflated price by falsely presenting their unauthorized website as Pakistan's official online store.

The Respondent has not contended that the registration and use of the DDN is not in bad faith.

The Complainant contends that the DDN was registered in bad faith as the Respondent was aware of the registered mark of the Complainant. It is further contended that the DDN is being used in bad faith, citing possible previous decisions against the same Respondent as an example and claiming that the DDN was registered to deceive the customers and benefit from the goodwill of the Complainant.

The Panel vide *Annexure 2* provided by the Complainant acknowledges the global recognition of the Complainant and stands satisfied with regards of the trademark rights of the Complainant in “beauty of joseon” across the globe with one iteration of the trademark being registered in Pakistan. The Panel determines that the global recognition of the Complainant’s mark makes it highly unlikely for the Respondent to be unaware of the “beauty of joseon” mark thereby highlighting the possibility of registration of DDN in bad faith (See *WhatsApp Inc. v. Francisco Costa, WIPO Case No. D2015-0909*). Regardless, it was the Respondent’s duty to verify that the registration of the DDN is not in contravention of any trademark rights which the Respondent failed to fulfill (*WIPO Case No. D2002 0806, Carolina Herrera, Ltd. v. Alberto Rincon Garcia*)

The Panel refers to Paragraph 4(b)(ii) of the UDRP Policy in assessing bad faith and finds that the registration of DDN by the Respondent prevents the Complainant from reflecting their registered mark in a corresponding domain name, particularly when a similar conduct has been seen by the Respondent in the previous DNDRC case *Case No. 2024-0013*. This recurring act of registering the DDN reflecting the registered mark of the Complainant signifies the finding of bad faith on part of the Respondent.

The Panel further agrees with the Complainant and finds that the DDN was likely registered by the Respondent to mislead the customers and cause a confusing similarity between his website and the Complainant. This is reinforced by the lack of submissions by the Respondent, the offering of the Complainant’s trademarked products on the Respondent’s website and the finding of confusing similarity by the Panel hereinabove, aligning with Paragraph 4(b)(iv) of the Policy (See *WIPO Case No. D2012-1765, MasterCard International Incorporated (“MasterCard”) v. Wavepass AS / Amazon.com, Inc. v. Wes Mayder, WeDirect, Inc. and Iclicks Case No. D2003-0258 / WIPO Case No. D2009-0320, Research In Motion Limited v. Privacy Locked LLC/Nat Collicot*)

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

7. Decision

Upon reviewing the contentions and information provided by the Complainant above, the Panel acknowledges that the “beauty of joseon” mark is registered and owned by the Complainant and the Respondent has no trademark rights over it. Therefore, the continuous use of the DDN <beautyofjoseon.pk> would adversely impact the exercise of the Complainant’s trademark rights, despite being in a separate jurisdiction 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 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 by the Respondent.

Pursuant to Section 4 of the Policy, the Panel, therefore, recommends that PKNIC transfer the registration of the DDN <beautyofjoseon.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: 15 April 2025