Decision for dispute CAC-UDRP-107794

Case number	CAC-UDRP-107794
Time of filing	2025-08-06 12:23:25
Domain names	newjeans.app

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	ADOR Co.Ltd

Complainant representative

Organization	cv SNB-REACT ua

Respondent

Name	Kimin Kwon

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant submitted evidence that it is the owner of the following trademarks (hereafter the “Trademarks”).

Korean trademark “New Jeans”, registration no. 4019212090000, registered on October 13, 2022, in Nice class 41;

EU trademark “New Jeans” (word), filing no. 1698966, registered on September 26, 2022, in Nice classes 3, 9, 11, 14, 16, 18, 20, 24, 26, 28, 35, and 41.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant owns valid trademark registrations for “New Jeans”, dating from 2022, covering various products and services (see above the “Trademarks”).

“New Jeans” is a highly successful K-pop group with international recognition, extensive commercial activities, and brand partnerships.

The disputed domain name <newjeans.app> was registered on 15 September 2024, two years after the registration of the Complainant’s Trademarks. The corresponding website displays images and videos of the music group and uses the Complainant’s Trademark without authorisation, while a statement on the website claims the content is “original”: “Are all photos, videos original? Yes, all contents are original, which were extracted from the Phoning App”. Despite several cease-and-desist notices sent by the Complainant, the Respondent has not replied and has not taken action.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

The Complainant argues that the disputed domain name <newjeans.app > is identical or confusingly similar to its registered Trademarks “New Jeans” in South-Korea and the EU, which are associated with the globally known K-pop group New Jeans. The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name, having neither authorisation nor any connection to the group. The disputed domain name reproduces the Trademarks in full and the associated website hosts content (photos and videos) misleadingly presented as official, thereby creating confusion among consumers. The Complainant further alleges that the Respondent registered the disputed domain name in bad faith, with actual knowledge of the fame and reputation of the New Jeans music group and Trademarks, to take unfair advantage of its goodwill for commercial gain. It requests the transfer of the disputed domain name.

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

Confusing similarity

The disputed domain name consists of the Complainant’s Trademark(s) “New Jeans” with the sole addition of the tld “.app”.

Since the entire Trademark is recognisable in the disputed domain name, the disputed domain name is identical or at least confusingly similar to the Trademark for the purposes of UDRP status".

The tld ".app" may be disregarded when it comes to considering whether a domain name is confusingly similar to a trademark in which the Complainant has rights.

For these reasons, the Panel concludes that the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights within the meaning of paragraph 4(a)(i) of the Policy.

Rights or legitimate interests

As regards paragraph 4(a)(ii) of the Policy, while the overall burden of proof rests with the Complainant, it is commonly accepted that this should not result in an often-impossible task of proving a negative. Therefore, numerous previous panels have found that the Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests. Once such a prima facie case is made, the burden of production shifts to the Respondent to come forward with appropriate allegations or evidence demonstrating rights or legitimate interests in the disputed domain name. If the Respondent fails to come forward with such appropriate allegations or evidence, the Complainant is generally deemed to have satisfied paragraph 4(a)(ii) of the Policy. If the Respondent does come forward with some allegations or evidence of relevant rights or legitimate interests, the Panel then must weigh all the evidence, with the burden of proof always remaining on the Complainant.

The Complainant argues that:

The Respondent has not acquired any prior trademark rights in and is not known by “New Jeans” or “NewJeans”.

The Respondent has no relationship with the Complainant and is not authorised or licensed by the Complainant to use or register the disputed domain name or to use the Complainant’s Trademarks.

The disputed domain name was registered two years after the Complainant registered its Trademarks and after the formation of the K pop band.

The Respondent cannot demonstrate any legitimate offering of goods and services or legitimate non-commercial or fair use under the disputed domain name.

The Respondent did not file an administratively compliant (or any) response. The Respondent did not provide evidence that it has rights or legitimate interests in the disputed domain name (the Respondent could, inter alia, have provided evidence of the factors mentioned in paragraph 4(c) of the Policy, but failed to do so).

The Panel finds that the Respondent does not have any rights or legitimate interests in the disputed domain name from the following facts:

There is no evidence that the Respondent is or has been commonly known by the disputed domain name or by the terms “New Jeans” or “NewJeans”. The WHOIS information does not provide any information that might indicate any rights to use these terms.

The Respondent did not show to have any trademark rights or other rights in the term “New Jeans” or “NewJeans”.

The Complainant’s Trademarks were registered and have been used well before the registration date of the disputed domain name.

The Respondent does not seem to have any consent or authorisation to use the Trademarks or variations thereof, in the disputed domain name or otherwise, and does not seem to be related in any way to the Complainant.

In sum, on the balance of probabilities, and in the absence of any evidence to the contrary or any administratively compliant response being put forward by the Respondent, the Panel finds that the Complainant has made a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Panel concludes that the Respondent does not have rights or legitimate interests in the disputed domain name.

Bad faith

The Complainant asserts that:

The Respondent sought to conceal its bad faith by using a privacy service.

The Respondent had the Trademarks and the music band “New Jeans” in mind when registering the disputed domain name. The Trademarks are well-known or famous and were registered well before the registration of the disputed domain name. The Respondent prominently displays the Complainant’s Trademarks and logos on the website linked to the disputed domain name, together with pictures of the music band “New Jeans”.

The Respondent did not respond to the Complainant’s cease-and-desist letters.

The Respondent uses the disputed domain name for a website that creates the impression of being some kind of official website providing a calendar of events and background related to the “New Jeans” music band.

The Respondent is using the disputed domain name to attract Internet users, for commercial gain, to its own website by creating a false impression of an affiliation or connection with the Complainant.

The Panel weighs these arguments and facts as follows:

It is evident that the Respondent had actual knowledge of the music band “New Jeans” and the Complainant’s Trademarks and had them in mind at the moment of registration and use of the disputed domain name. The Trademarks were registered well before the registration of the disputed domain name. The Respondent displays the Trademarks and logos of the Complainant on the website linked to the disputed domain name, as well as pictures of the music band ”New Jeans”.

The website linked to the disputed domain name claims the content is “original”, while this is clearly not the case: “Are all photos, videos original? Yes, all contents are original, which were extracted from the Phoning App”.

The Respondent neither refuted the Complainant’s arguments in the Complaint nor replied to the Complainant’s cease-and-desist letters, and took no action in response to them.

For the combination of the reasons set out above, the Panel concludes that the Complainant did prove that the disputed domain name was registered and is being used in bad faith within the meaning of paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

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Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **newjeans.app**: Transferred

PANELLISTS

Name	**Bart Van Besien**

DATE OF PANEL DECISION 2025-09-10

Publish the Decision