Decision for dispute CAC-UDRP-108226

Case number	CAC-UDRP-108226
Time of filing	2026-06-18 09:55:37
Domain names	heytoon.net

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	HONEYTECH LTD

Respondent

Name	Hoan Nguyen

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 is the owner of registered trademarks for the HONEYTOON trademark. In particular, the Complainant is the owner of the following trademark registrations:

- European Union trademark registration No. 019281888 for HONEYTOON, registered on March 18, 2026, filed on November 26, 2025;
- Hong Kong trademark registration No. 307109703 for HONEYTOON, registered on March 18, 2026, filed on November 28, 2025.

The Complainant also owns the domain name <honeytoon.com>, registered on January 17, 2022 and that includes its HONEYTOON trademark in its entirety.

FACTUAL BACKGROUND

The Complainant is a Cypriot company that owns and operates the Honeytoon digital comics and webtoon platform at the domain name <honeytoon.com> under the HONEYTOON trademark. This platform includes a number of original titles that were created for the Honeytoon platform by contributors engaged in the production of the Complainant's catalogue. The Complainant controls the relevant rights in these works, including the rights in English-language versions of the works.

The disputed domain name was registered on July 23, 2024 and at the time of filing of the Complaint, it resolved to a webpage under the name “Heytoon”, displaying unauthorized copies of the Complainant’s comics. At the time of this Decision, the disputed domain name redirects to the domain name <toonhey.com> which resolves to a webpage under the name “Toonhey” and displays unauthorized copies of the Complainant’s comics.

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. In particular, the Complainant argues that the disputed domain name is confusingly similar to its HONEYTOON trademark. Namely, the Complainant considers the disputed domain name to be a typographical variation of its trademark, that omits two letters from the trademark. The disputed domain name retains the identical first letter “H” and the identical final six-letter string “EYTOON”. As a result, seven out of the nine characters of HONEYTOON appear in the disputed domain name in the same order. The confusing similarity is reinforced by the Respondent's use of the disputed domain in the same niche and for the same type of online content. The confusion is further increased by the Respondent’s use of unauthorized copies of the Complainant's comics. The Complainant adds that the Top-Level-Domain suffix ".net" should be disregarded for purposes of the first element analysis, as it represents only a technical registration requirement.

Regarding the second UDRP element, the Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has never authorized, licensed, or otherwise permitted the Respondent to use the HONEYTOON trademark or any confusingly similar name. The Respondent is not affiliated with the Complainant and has no legitimate business relationship with the Complainant. There is no evidence that the Respondent is commonly known by the disputed domain name or that it has acquired independent trademark or service mark rights in that name. Nor is there any evidence that the Respondent is making a legitimate non-commercial or fair use of the disputed domain name. Instead, the disputed domain name resolves to a website operating in the same online comics/webtoon niche as the Complainant and targeting the same audience. Furthermore, the use of the disputed domain name to host, display, promote, or monetize unauthorized copies of the Complainant's works constitutes unlawful activity. Such use cannot, by default, give rise to rights or legitimate interests under the Policy. The Respondent cannot establish a bona fide offering of goods or services by using a confusingly similar domain name to attract users to unauthorized copies of the Complainant’s own content.

With reference to the circumstances evidencing bad faith, the Complainant states that the Respondent was aware of the Complainant's HONEYTOON trademark when registering the disputed domain name. At the time of the registration of the disputed domain name, the Complainant’s “Honeytoon” platform was already available to internet users for several years. The Composition of the disputed domain name suggests that the Respondent intentionally tried to use a typographical variation of the Complainant’s trademark, by deleting the portion “on” and preserving the first letter “h” and six-letter sequence “eytoon”. Finally, the use of the disputed domain name in the same field where the Complainant is operating and for displaying unauthorized copies of the Complainant’s works, clearly indicates targeting of the Complainant through registration of the disputed domain name. The Complainant adds that the disputed domain is used to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant’s trademark, which falls squarely within paragraph 4(b)(iv) of the Policy. By using a domain name confusingly similar to the Complainant’s trademark and displaying content corresponding to the Complainant's own comics catalogue, the Respondent intentionally attracts users who are searching for the Complainant, the Complainant's platform, or content related to the Complainant.

The Respondent has contacted the Czech Arbitration Court and requested the extension of the deadline for providing its response in accordance with the paragraph 5(b) of the Rules. In accordance with the Rules, the extension was automatically granted, but despite the extended deadline, 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.

Supplemental Filing by the Complainant

On July 14, 2026, the Complainant submitted an unsolicited supplemental filing that provides additional evidence, namely

information about the change in content on the disputed domain which at that point started redirecting to the domain name <toonhey.com>, which resolves to a webpage under the name “Toonhey” and displays unauthorized copies of the Complainant’s comics. The Complainant added that this new redirection further reinforces the bad faith on the Respondent’s side, as it demonstrates that the Respondent has not ceased using the disputed domain name, but instead appears to have redirected its traffic after the commencement of the present proceedings.

Paragraph 10 of the Rules vests the panel with the authority to determine the admissibility, relevance, materiality and weight of the evidence, and also to conduct the proceedings with due expedition.

Paragraph 12 of the Rules expressly provides that it is for the panel to request, in its sole discretion, any further statements or documents from the parties it may deem necessary to decide the case.

Unsolicited supplemental filings are generally discouraged, unless specifically requested by the panel.

In all such cases, panels have repeatedly affirmed that the party submitting or requesting to submit an unsolicited supplemental filing should clearly show its relevance to the case and why it was unable to provide the information contained therein in its complaint or response (e.g., owing to some unforeseen or exceptional circumstance), as stipulated in section 4.6 of WIPO Overview of WIPO Panel Views on Select UDRP Questions (“WIPO Overview 3.1”).

In this particular case, the Panel accepts the supplemental filing from the Complainant, as it relates to the facts that changed after the filing of the Complaint and the Respondent’s behavior after the commencement of the present proceedings. The Panel additionally underlines that in accordance with general powers granted to the Panel under paragraphs 10 and 12 of the Rules (WIPO Overview 3.1, section 4.8), panels should, in any event, make limited factual research regarding the status of the disputed domain name and the content of the webpage to which it resolves or redirects at the time of the decision.

PRINCIPAL REASONS FOR THE DECISION

According to paragraph 15(a) of the Rules: "A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable." Paragraph 4(a) of the Policy stipulates that the complainant must prove each of the following:

- that the disputed domain name registered by the respondent is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- that the respondent has no rights or legitimate interests in respect of the disputed domain name; and
- that the disputed domain name has been registered and is being used in bad faith.

I. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name, as stipulated in section 1.7 WIPO Overview 3.1.

The Complainant has shown rights in respect of the HONEYTOON trademark for the purposes of the Policy (WIPO Overview 3.1, section 1.2.1).

The Panel holds that there is a certain level of similarity between the Complainant’s trademark HONEYTOON and the verbal portion “heytoon” of the disputed domain name, notwithstanding the different meanings of the words “honey” and “hey”. Both terms begin with the letter “h”, share the ending “eytoon”, and consist of a two-element construction ending in the element “toon”, resulting in a sufficient degree of (primarily aural) similarity for purposes of the relatively low threshold under paragraph 4(a)(i) of the Policy. To the extent the side-by-side comparison alone leaves room for debate, the Respondent's use of the disputed domain name to display unauthorized copies of the Complainant's comics confirms that the Respondent itself regarded the disputed domain name as sufficiently similar to target the Complainant's trademark, in accordance with section 1.15 of the WIPO Overview 3.1 (“In some instances, panels have however taken note of the content of the website associated with a domain name to confirm confusing similarity whereby it appears prima facie that the respondent seeks to target a trademark through the disputed domain name.”). The Panel further notes that, after the commencement of these proceedings, the Respondent redirected the disputed domain name to the website on the domain name <toonhey.com>, which bears less resemblance to the Complainant's HONEYTOON trademark. This subsequent conduct is also consistent with the inference that the Respondent itself regarded the disputed domain name as sufficiently similar to the Complainant's trademark to target the Complainant, within the meaning of section 1.15 of the WIPO Overview 3.1.

In addition, it is well established that “.net”, as a generic Top-Level Domain, can be disregarded in the assessment of the confusing similarity between the disputed domain name and the Complainant’s trademark (WIPO Overview 3.1, section 1.11.1).

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

II. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in the 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.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the 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, the Panel notes that there appears to be no relationship between the Respondent and the Complainant and that the Respondent is not a licensee of the Complainant, nor has the Respondent otherwise obtained an authorization to use the Complainant's HONEYTOON trademark (or any variation thereof). There appears to be no element from which the Panel could infer the Respondent's rights and legitimate interests in the disputed domain name, or that the Respondent might be commonly known by the disputed domain name.

The disputed domain name resolved to a website under the name "Heytoon", which offered unauthorized copies of the Complainant's comics. Currently, the disputed domain name redirects to a website under the name "Toonhey" that also offers unauthorized copies of the Complainant's comics. Panels have held that the use of a domain name for illegitimate activity (here, distribution of the unauthorized or pirated content protected by copyright) can never confer rights or legitimate interests on a respondent (WIPO Overview 3.1, section 2.13.1).

Having in mind the above, the Panel finds the second element of the Policy has been established.

III. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith (see WIPO Overview 3.1, section 3.2.1).

In the present case, the Panel considers that the Respondent must have been aware of the Complainant and its HONEYTOON trademark, particularly having regard to the content of the website to which the disputed domain name used to resolve and the content of the website to which the disputed domain name currently redirects. The Panel notes that the disputed domain name was registered before the Complainant has obtained trademark rights (and before it applied for trademarks in the EU and Hong Kong), which usually would lead to the conclusion that the disputed domain name is not registered in bad faith. However, as an exception, in certain limited circumstances where the facts of the case establish that the respondent's intent in registering the domain name was to unfairly capitalize on the complainant's nascent (typically as yet unregistered) trademark rights, panels have been prepared to find that the respondent has acted in bad faith (WIPO Overview 3.1, section 3.8.2). In the present case, it is clear that the Complainant operates the website "Honeytoon" and produces original content for that website since 2022 which is well before the registration date of the disputed domain name. The fact that the Respondent started using the disputed domain name to disseminate unauthorized copies of the Complainant's comics immediately after the registration clearly indicates that the Respondent had the Complainant and its (then unregistered) HONEYTOON trademark in mind at the time of the registration of the disputed domain name. Indeed, the Respondent could not have used the disputed domain name to disseminate unauthorized copies of the Complainant's comics immediately following registration of the disputed domain name, unless the Complainant's "Honeytoon" platform and the relevant works were already in existence and known to the Respondent.

In light of the above, the Panel finds that the disputed domain name has been registered in bad faith.

As indicated above, the disputed domain name resolved to a website under the name "Heytoon", which offered unauthorized copies of the Complainant's comics. Currently, the disputed domain name redirects to a website under the name "Toonhey" that also offers unauthorized copies of the Complainant's comics. Such use of the disputed domain name indicates that the Respondent attempted to take unfair advantage of the Complainant and its trademark. Panels have held that the use of a domain name for illegitimate activity (here, distribution of the unauthorized or pirated content protected by copyright) constitutes bad faith (WIPO Overview 3.1, section 3.4).

In accordance with the above, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that the disputed domain name has been both registered and is being used in bad faith, and consequently that the Complainant has established the third element of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **heytoon.net**: Transferred

PANELLISTS

Name	**Stefan Bojovic**

DATE OF PANEL DECISION 2026-07-29

Publish the Decision