

Decision for dispute CAC-UDRP-108799

Case number	CAC-UDRP-108799
Time of filing	2026-07-02 15:38:20
Domain names	tooniam.net

Case administrator

Name	Olga Dvořáková (Case admin)
------	-----------------------------

Complainant

Organization	HONEYTECH LTD
--------------	---------------

Respondent

Name	James Webb
------	------------

Respondent representative

Organization	Boston Law Group, PC
--------------	----------------------

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, HONEYTECH LTD, is the owner of several 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;

(hereinafter cumulatively referred to as the "Trademark").

The Respondent did not assert any trademark rights relating to the disputed domain name.

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. It offers its services under the domain name <honeytoon.com>, registered on January 17, 2022, which includes its HONEYTOON trademark in its entirety.

The disputed domain name was registered on February 3, 2026 and at the time of filing of the Complaint, it resolved to a webpage under the name “Toonia” displaying and offering digital comics and webtoons. At the time of this Decision, the disputed domain name resolves to the page with the message “Toonia is becoming Yumeku. Same stories. Same account. More of everything - we just grew up.” and provides a link to the domain name <yumeku.com>, to which the Respondent has moved its website.

PARTIES CONTENTIONS

The Complainant

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 Trademark when assessed in the full factual context of this case. The disputed domain name incorporates the visually and conceptually significant “TOON” element of the Complainant’s HONEYTOON mark. This element is particularly relevant because the Complainant operates an online comics/webtoon platform, and the Respondent uses the disputed domain in the same online comics/webtoon niche. Further, the Complainant contends that the applicable “.net” extension should be disregarded for purposes of the confusing similarity analysis, as it is a standard technical registration requirement.

The Complainant deems that the website to which the disputed domain name used to resolve imitates key elements of the Complainant’s “Honeytoon” platform, including the black header structure, navigation items such as “My Library”, “Comics” and “Ranking”, the search/account area, the library page, the “Recently Read” and “Favorites” tabs, the “Most Favorited” section, the comics genres page, the popular stories/ranking layout, and the footer structure with policy links.

Regarding the second UDRP element, the Complainant asserts 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 its Trademark, any confusingly similar name, the “Honeytoon” trade name, the “Honeytoon” platform interface, the “Honeytoon” website structure, or any other brand elements associated with the Complainant. There is no evidence that the Respondent is commonly known by the disputed domain name or that the Respondent has acquired independent trademark or service mark rights in that name. There is also no evidence that the Respondent is making legitimate non-commercial or fair use of the disputed domain name.

With respect to the third UDRP element, the Complainant states that the disputed domain name was registered after the Complainant has established its trademark rights in the Trademark and that the Respondent’s knowledge of the Complainant is shown by the manner in which the disputed domain is used. The Respondent did not use the disputed domain name for an unrelated or independent project. Instead, the Respondent used the disputed domain for a website in the same online comics/webtoon niche and substantially imitated the interface, navigation, layout and user journey from the Complainant’s “Honeytoon” platform. By operating a “copycat” website under a confusingly similar domain name in the same niche, the Respondent attracts Internet users by creating a likelihood of confusion with the Complainant’s trademark, platform and services and users may believe that the Respondent’s website is an official, affiliated, licensed, mirrored, localized or otherwise authorized version of the Complainant’s “Honeytoon” platform.

In its unsolicited supplemental filings, the Complainant has provided evidence of alleged copying of the Complainant’s comics on the website to which the disputed domain name resolved. The Complainant has also notified the Panel about the change of the content on the disputed domain name and the migration of the Respondent’s website to the domain name <yumeku.com>.

The Respondent

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name.

Namely, the Respondent underlines that Complainant improperly seeks to extend its asserted rights in the composite HONEYTOON trademark to the common and descriptive term “toon” standing alone. The Complainant does not own the word “toon” and yet it wrongfully attempts to exert control over this common, generic and descriptive term. The Complainant operates under the trademark HONEYTOON, while Respondent uses the materially different name “toonia” through the disputed domain name. The Complainant’s HONEYTOON trademark is not recognizable within the term “toonia”. The two names differ in appearance, sound, structure, meaning, and overall commercial impression. They share only the weak, commonly used four-letter word “toon”, which is an abbreviation and reference to a “cartoon” or “webtoon” and is widely used in connection with cartoons, webtoons, animation, comics, and related entertainment. The Respondent selected name “toonia” for its descriptive and suggestive significance: the term combines “toon” with the suffix “-ia” to evoke a place, collection, or platform devoted to webtoons and illustrated content. The Respondent did not select this name to target the Complainant or its Trademark.

The Respondent uses the disputed domain name in connection with providing serialized digital comics and webtoons, including material directed for an adult audience. The website on the disputed domain name allows users to browse comics by genre, view rankings and ratings, maintain a personal reading library, and obtain access to individual chapters or a broader catalogue through virtual coins or a subscription membership.

The Respondent has not displayed the Complainant’s name, logo, trade dress, copyrighted content, or other source-identifying material. Respondent does not represent that the disputed domain name is affiliated with, sponsored by, endorsed by, or otherwise connected with the Complainant or the “Honeytoon” platform.

To the Respondent's knowledge, numerous unrelated businesses, websites, applications, and creative works use names containing the term "toon," reflecting the term's common and descriptive significance in connection with cartoons, webtoons, animation, comics, and illustrated entertainment. The Respondent argues that there are more than 44,000 domain names that contain the term "toon" in them.

The Respondent further adds that it adopted a different coined name for its own legitimate commercial and expressive purposes. The fact that two websites may operate generally within the broad field of webtoon, cartoons, comics, entertainment, or online content does not establish that the Respondent registered the disputed domain name to disrupt the Complainant. Competition alone is not bad faith. The Policy requires evidence that the domain name was deliberately selected to target and interfere with the Complainant's trademark rights. In accordance with the above, the Respondent requested from the Panel to deny the Complaint and declare that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding.

In its unsolicited supplemental filings, the Respondent indicated that the Complainant's unsolicited supplemental filings are related to potential copyright issues and general operational issues, which have nothing to do with the UDRP proceedings and as such should be ignored.

RIGHTS

The Complainant has failed to show that 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

Since the Complainant has failed to satisfy the first UDRP element pertaining to the identity or confusing similarity of the disputed domain name to the Complainant's trademark or service mark, the Panel will not consider the second UDRP element concerning whether the Respondent has rights or legitimate interests in the disputed domain name.

BAD FAITH

Since the Complainant has failed to satisfy the first UDRP element pertaining to the identity or confusing similarity of the disputed domain name to the Complainant's trademark or service mark, the Panel will not consider the third UDRP element concerning whether the Respondent has registered or is using the disputed domain name in bad faith.

PROCEDURAL FACTORS

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

Unsolicited Supplemental Filings

Neither the Policy nor the UDRP Rules provide the parties with an automatic right to submit additional arguments or evidence. Pursuant to paragraph 10 of the UDRP Rules, panels are vested with broad discretion to conduct administrative proceedings, provided that the parties are treated with equality and that the proceedings are conducted in an expeditious manner. Within this framework, a panel may, in its sole discretion, determine whether to admit or disregard unsolicited supplemental submissions. In addition, under paragraph 12 of the UDRP Rules, a panel may request further statements or documents from either party.

In the present case, the Complainant filed two and the Respondent filed one unsolicited supplemental submission, resulting in a total of three such submissions. The Panel has accepted these submissions only to the extent that they are relevant to the determination of the scope of the dispute between the Parties and the Respondent's request for a finding of Reverse Domain Name Hijacking, as discussed in further detail below.

PRINCIPAL REASONS FOR THE DECISION

Under paragraph 4(a) of the Policy, the Complainant must prove that each of the following three elements is present:

- (i) the disputed domain name is identical or confusingly similar to the Complainant's trademark; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) 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 the WIPO Overview 3.1, section 1.7.

The Complainant has shown registered trademark rights in respect of "HONEYTOON".

The disputed domain name comprises the word "toonia" and the generic Top-Level Domain (gTLD) ".net". It is well established that ".net", as a gTLD, 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).

This leaves the Panel with the task of comparing the Trademark, i.e. HONEYTOON, with the word "toonia".

Even though both words contain the term "toon", the "HONEYTOON" trademark has been registered only as such, i.e. "HONEYTOON", and not as two different words or as only the word "toon". The Panel finds that the distinctiveness of the trademark comes from the combination of the words "honey" and "toon" and therefore cannot be assessed separately. Furthermore, there is no overall phonetic similarity and the Trademark is not recognizable within the disputed domain name.

In addition, the Panel holds that the word "toon" is a common, descriptive, and generic term and is the common shortened version of the (also) common, descriptive, and generic term "cartoon".

Even though the Complainant tries to argue that the broader factual context and associated website content should lead, in an appropriate case, to a finding of confusing similarity, where it appears prima facie that the respondent sought to target the complainant's mark (WIPO Overview, sections 1.7 and 1.15), the Panel disagrees with the assessment that this is an appropriate case for that and holds that there is no such circumstance in the present case in order to make such finding. As explained above, there is no basis on which the Panel finds that the words "HONEYTOON" and "TOONIA" are confusingly similar, and the overall circumstances of the case do not trigger an assessment of the broader case context.

In light of the above, it cannot be inferred that the Trademark is confusingly similar to the word "toonia" and accordingly to the disputed domain name.

Thus, the Complainant has failed to satisfy the first element of the Policy under paragraph 4(a)(i).

II. Rights or Legitimate Interests

In view of the Panel's determination above, it is unnecessary for the Panel to address the issue of the Respondent's rights or legitimate interests with respect to the disputed domain name under paragraph 4(a)(ii) of the Policy.

III. Registered and Used in Bad Faith

In view of the Panel's determination above, it is unnecessary for the Panel to address the issue of the Respondent's bad faith registration and use of the disputed domain name under paragraph 4(a)(iii) of the Policy.

Reverse Domain Name Hijacking (RDNH)

Paragraph 15(e) of the UDRP Rules provides that, if after considering the submissions, the panel finds that the complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking or to harass the domain-name holder, the panel shall declare in its decision that the complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the complaint is not, on its own, sufficient to constitute Reverse Domain Name Hijacking, in particular where the respondent may have acted inequitably (WIPO Overview 3.1, section 4.16).

The Panel notes that the Respondent, in its Response, has explicitly requested a finding of Reverse Domain Name Hijacking.

The Panel considers that the Complainant has genuine, albeit ultimately misplaced, concerns in respect of the Respondent's use of the disputed domain name and has provided certain evidence in support of those concerns. The Panel finds no evidence that the Complainant brought the present proceeding in an abusive manner. Under these particular circumstances, the fact that the Complaint ultimately fails under the Policy is not, in itself, sufficient to establish bad faith on the part of the Complainant.

Accordingly, based on the record before it, the Panel does not find that the Complaint constitutes an abuse of the administrative proceeding.

The Respondent's request for a finding of Reverse Domain Name Hijacking is therefore denied.

ISSUE: ARGUMENTS/EVIDENCE OUTSIDE THE SCOPE OF THE POLICY

As the Complainant has also brought forward copyright-related arguments and/or evidence to support its case against the Respondent, the Panel notes that such claims and arguments fall outside the intended scope of the UDRP. The Policy was established specifically to address cases of cybersquatting, as outlined in paragraph 170 of WIPO's Final Report (April 30, 1999), which limits its application to instances of "deliberate, bad faith, abusive registration of a domain name in violation of trademark and

service mark rights." ICANN's adoption of WIPO's recommendations means that UDRP panelists have limited discretion in what is meant to be a summary proceeding.

In the present case, several items of evidence submitted by the Complainant are intended to prove copyright claims. The Panel has only acknowledged this evidence in its analysis of RDNH, above.

For the above reasons, the Complaint is **denied**.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Rejected

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

- 1. **tooniam.net**: Remaining with the Respondent

PANELLISTS

Name	Stefan Bojovic
Name	Mike Rodenbaugh
Name	Stefanie Efstathiou LL.M. mult.

DATE OF PANEL DECISION 2026-08-26

Publish the Decision