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# Gonna be golden: KPop Demon Hunters slays the IP rulebook

**Netflix's mega-hit has proved how global streaming can establish trademark reputation and goodwill in days rather than years.**

With record streaming figures, a chart-topping soundtrack and a pair of Academy Award nominations under its belt, animated film *KPop Demon Hunters* is clearly having its moment.

The same appears to be true of the South Korean blockbuster's IP.

Netflix released the film in June 2025, in partnership with Sony Pictures.

It quickly became the platform's most-watched film ever, racking up more than 236 million views worldwide.

As the streaming service continues with its \$72 billion industry-defining bid for Warner Bros Discovery, the company will be hoping to repeat such bankable worldwide franchises.

### **Netflix's big mistake**

But there was a problem: Netflix did not pre-register the exact domain name *KPopDemonHunters.com* before release.

Just three days after the movie premiered, a private individual in Germany registered an identical domain—grabbing the most obvious URL users would type when searching for the movie online.

Netflix filed a complaint under the Uniform Domain Name Dispute Resolution Policy (UDRP) with the World Intellectual Property Organization (WIPO), citing “confusing similarity”.

A WIPO panel kicked off the new year by ruling in the streaming giant's favour, delivering the game-changing decision that the film had secured a very high level of fame in a matter of days.

What makes the decision especially notable is that it reflects an acceleration in how trademark reputation and fame can be assessed today.

Nathan Smith, partner at Katten Muchin Rosenman, tells *WIPO* that the decision is “significant” for entertainment IP owners.

“In ordering its transfer to Netflix, the panel accepted that the title had already acquired sufficient source-identifying character within those three days.

“It reflects an understanding that, in today's content landscape, distinctiveness and goodwill can emerge almost instantaneously on a global scale,” he says.

### **A new script for entertainment IP?**

This potentially rewrites the IP playbook for entertainment brands—at least in practice. Until now, it had been relatively rare to see a decision like this, as similar rulings usually stemmed from litigation involving established brands.

That was because ‘fame’ was traditionally seen as something that accumulated slowly, through sustained commercial use, long-running advertising campaigns and repeated consumer exposure over time.

As a result, film titles and franchise names often remained in limbo until sequels or extended commercial exploitation established their long-term recognition.

Not anymore, it seems.

Alvin Lin, partner at Morrison Cohen, points out that the important aspect of this decision is that the panel “credited the rapid fame and success of the film” to allow Netflix to prevail.

“This is not so much a shift or change in the law as it is a validation that more immediate cultural success can meet the legal requirements to establish protectability.”

Monica Riva Talley, director at Sterne Kessler, agrees this decision marks an evolution of how trademark rights are acquired in the entertainment space, rather than a wholesale change.

She explains: “While this opinion does not alter the traditional understanding of how common law trademark rights arise for film and franchise titles and related merchandise, it is an example of just how quickly that can occur for very popular entertainment titles.”

Importantly, the WIPO-appointed panellist ordered that the disputed domain *KPopDemonHunters.com* be transferred to Netflix, after finding the domain was used in bad faith and that Netflix had established common law rights in the mark—despite not having registered it at the time the domain was acquired.

According to Smith, this underscores a key, and welcome, takeaway for brand owners.

“While trademark registration remains an important asset, this case confirms that it is not a prerequisite for bringing a successful UDRP complaint.”

He explains: “Where market evidence shows that consumers already associate a title with a particular studio or streaming platform, unregistered rights may be established within days or weeks of release, notwithstanding the absence of a registered trademark.”

### **A recipe for success**

For context, *KPop Demon Hunters* is a film about a trio of female pop idols, Rumi, Mira and Zoey, who secretly inhabit a supernatural world where they combat demons.

Undoubtedly, it’s a striking example of how a modern entertainment brand can move from concept to global cultural phenomenon with extraordinary speed.

The film fuses two notable cultural influences. On one hand, there's K-pop, a South Korean music and visual culture that has achieved global appeal. On the other is an ancient narrative tradition drawn from Korean myths and folklore.

Symbolic colours and stylised masks evoke traditional imagery within a modern, animated universe. Meanwhile, the use of choreography and song as tools against the antagonists/ demons mirrors the ancient idea that rhythm, sound, and spectacle can influence the spiritual realm.

Indeed, music is pivotal to the film's success. The soundtrack broke records by placing four songs simultaneously in the *Billboard Hot 100 Top 10*—a first for any soundtrack. Among the biggest hits were *Golden*, *Your Idol*, *Soda Pop* and *How It's Done*.

Meanwhile, merchandising and a spate of social media memes struck an immediate chord with an unusually broad audience ranging from young children and teenagers to adults.

One viral moment underscored its cross-cultural global appeal. After winning his quarterfinal match at the 2025 US Open in August, Serbian tennis champion Novak Djokovic surprised fans by doing a celebratory dance on court inspired by the choreography to *Soda Pop*—one of the songs performed by the film's demonic boy band Saja Boys.

He later explained that his dance was a playful tribute to his daughter, who had taught him the moves at home, and that he hoped it would make her birthday "extra special".

### **Time and use no longer key**

The WIPO panel took note of this level of consumer recognition in its decision, delivering a key message: time is no longer the primary measure of significance.

The case, suggests Smith, shows that such panels seem "increasingly prepared to accept viral exposure and global streaming metrics" as evidence of use and recognition, which "aligns with today's commercial realities where audience awareness can be created almost instantly".

The finding of common law trademark rights prior to registration is particularly significant.

Under common law, a film title is protected only if the public comes to associate that title with a specific film or producer, not just the movie itself. This kind of recognition—called secondary meaning—usually develops through widespread release, marketing, and public familiarity.

Lin notes: "Here, the success of the film was so rapid that the panel was able to credit that and establish secondary meaning in a relatively short time frame."

What's more, the panel concluded bad faith based on several factors: the domain was registered shortly after the film's release, the mark's extreme distinctiveness, and the respondent's failure to respond to proceedings.

Notably, the panel applied the 'passive holding doctrine', holding that even completely inactive use of a domain can still constitute bad faith use under certain circumstances.

The timing was particularly damning—registering the domain just three days after the film's release suggested the respondent was specifically targeting Netflix's new property, likely with intentions to sell it to Netflix at an inflated price (cybersquatting); use it for phishing or fraud in the future; or prevent Netflix from obtaining the natural domain for its own property.

This decision reinforces that trademark owners can successfully challenge domain registrations even when the domain squatter hasn't yet activated a website or undertaken obvious infringement.

As Smith explains, it highlights the UDRP's flexible approach in addressing domain name registrations that appear "calculated" to take advantage of pre-launch buzz.

"By focusing on whether the name functioned as a source identifier at the time of its launch, the panel was able to address conduct that might otherwise evade scrutiny—it would not be surprising to see this approach applied more frequently."

### **'Extreme distinctiveness'**

The extreme distinctiveness of the mark helped as well.

Riva Talley explains: "While not all coined or highly imaginative entertainment titles will enjoy an enforcement advantage, as they still will need to demonstrate consumer recognition, extreme distinctiveness certainly cuts against any arguments regarding innocent adoption."

Smith agrees that the nature of the title is likely to have carried significant weight in overcoming the short period of use.

"Coined or non-descriptive entertainment titles are more likely to be immediately associated with a single source, which in turn strengthens inferences of bad faith on the part of the respondent.

This effect, he continues, is "heightened" when the disputed domain name is passively held, the registrant is non-responsive or has no plausible fair-use

explanation, and they have chosen to mask their identity through the use of privacy proxy services.

Providing a UK perspective, Graeme Murray, senior associate at Marks & Clerk, notes that it will always be easier to establish goodwill in relation to distinctive trademarks.

"The more descriptive a trademark, then arguably the higher the threshold to establish goodwill," says Murray.

For Smith, the decision sends a clear message for the streaming era.

"Where a title achieves immediate recognition, the UDRP can provide a swift and effective remedy against opportunistic domain registrations, even before a formal trademark registration is secured," he says.

### **Times are changing... but caution is a must**

That said, outcomes remain "context specific".

Adds Smith: "The respondent did not engage with the proceedings, offered no explanation for the registration and advanced no plausible case for legitimate use.

"In circumstances where a respondent actively participates and can point to a credible alternative narrative, panels may be more cautious."

Lin warns that brand owners should—notwithstanding the streaming giant's success—take note of the one key step that Netflix missed.

"File for available protections sooner rather than later. In this case, and with the benefit of hindsight, if Netflix had proactively secured the domain in advance of the release, it never would have had to file this proceeding."

"And since registering a domain does not require proving trademark rights, Netflix could have registered the domain without waiting to see if the film would be a success."

*Netflix Studios was represented by Coates IP, while the respondent was Sanchit Sood, a resident of Germany.*

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