



DECISION

In the case of Mr. Jeong

Case no.: DR20/004

28 April 2020

I. PROCEDURAL HISTORY

21 February 2020	WT informed that intellectual property rights have been breached
27 February 2020	Notice of Charge sent to accused
4 March 2020	Accused responded to Notice of Charge and admits guilt and apologized
9 March 2020	Request for information sent to accused
10 March 2020	Accused provides WT with requested information
14 April 2020	Final request for information sent to accused
14 April 2020	Accused provides WT with requested information

II. FACTS

1. World Taekwondo (WT) received evidence of gross violations of the WT Statutes and the Regulations on the Administration of the International Kyorugi Referees by Mr. Mr. Seong Kuk Jeong. Mr. Jeong has been conducting referee seminars and did this under the name of World Taekwondo, claiming the seminar was an official WT recognized International Referee Course. In addition, Mr. Jeong illegal used the WT name and logo on the certificates that were given to the participants.
2. On 21 February 2020, WT received evidence of the abovementioned violations (Exhibits 1 – 5). In accordance with Article 3.4 of the WT Disciplinary Actions and Appeals Code, WT decided to issue a Notice of Charge. The Notice of Charge was sent to Mr. Jeong on 27 February 2020.
3. Mr. Jeong responded to the Notice of Charge on 4 March 2020 (Exhibit 6). He apologized for using the WT name and logo and claimed that he was unaware of the existing copyright on the WT logo. Due to oversight, Mr. Jeong claims that his organization has used the logo and name

without permission of WT. In addition, Mr. Jeong informed WT that he notified the participants that the certificates that were issued are invalid and that the laws were violated.

4. WT requested Mr. Jeong for additional information on 9 and 14 March and Mr. Jeong duly informed WT per email on 10 and 14 March 2020. All questions were answered and the information provided as requested by WT.

III. LEGAL BASIS

5. Based on article 29.1 of the WT Statutes, the Tribunal concludes that it has jurisdiction in the case of the accused. As such, the Tribunal reviewed the case and renders its decision with this award.
6. In compliance with Article 1.1 (D) of the WT Disciplinary Actions and Appeals Code, the Tribunal confirms having jurisdiction in this case as the article clearly states that '*All Members are bound by this Code as a condition to their membership*'.

IV. DISCUSSION

7. Mr. Jeong has been accused of gross violations of the WT Statutes and the Regulations on the Administration of the International Kyorugi Referees. Firstly, WT has presented evidence which clearly shows that Mr. Jeong has used illegally used the WT name and logo. The evidence received by WT shows a breach of Article 25.2 sub ii of the WT Statutes: *WT properties shall not be used without prior approval of WT*.
8. The evidence presented by WT proves by a preponderance of the evidence that Mr. Jeong has breached Article 25.2 sub ii of the WT Statutes.
9. Secondly, the evidence presented shows that Mr. Jeong falsely informed his clients that the Referee Seminar given by him was an official and recognized WT International Referee Course. By doing so, Mr. Jeong not only misled his clients, he also breached Articles 4 and 12 of the Regulations on the Administration of the International Kyorugi Referees.

10. The organization of the International Referee Seminar is exclusively done by WT and Article 4 of the aforementioned regulations stipulates that: '*The international Referee Seminar shall be conducted by the World Taekwondo Only*'. Article 12 of the same regulations confirms that the same is applicable for the International Referee Refresher Course.
11. WT presented evidence that proves by a preponderance of the evidence that Mr. Jeong has breached Articles 4 and 12 of the Regulations on the Administration of the International Kyorugi Referees.
12. Finally, WT presented evidence that Mr. Jeong has issued certificates which gave illegal International Referee qualifications to at least 5 of his clients. WT requested Mr. Jeong to inform them on the number of certificates issued by him and Mr. Jeong confirmed to WT that he only provided 5 persons with the certificates and qualifications. Currently, it became clear that WT has no reason to believe that more persons were issued certificates and qualifications illegally.
13. Issuing certificates and informing people that they have gained qualifications as International Referees is a violation of Article 3 of the Regulations on the Administration of the International Kyorugi Referees. The evidence presented by WT proves by a preponderance of the evidence that Mr. Jeong has breached Article 3 of the Regulations on the Administration of the International Kyorugi Referees.

V. CONCLUSIONS OF THE TRIBUNAL

14. After considering all the evidence in the case, the Tribunal concludes that Mr. Jeong has violated both the WT Statutes as well as the Regulations on the Administration of the International Kyorugi Referees. By organizing a referee seminar and using the WT logo and name, Mr. Jeong breached WT rules and regulations, he misled the participants and illegally gave the participants certificates and qualifications as WT International Referees.
15. The Tribunal considers the fact that Mr. Jeong has been very cooperative the moment that he has been informed of his wrongdoing. Mr. Jeong responded to emails almost instantly and provided WT with the requested information. The Tribunal follows WT's conclusion that Mr. Jeong most likely did not issue certificates to more persons than indicated in the evidence.

16. The Tribunal therefore concludes that Mr. Jeong cooperated with the WT investigation, admitted his guilt in a timely manner and after consulting WT concludes that Mr. Jeong has a clean prior disciplinary record.

ON THESE GROUNDS

17. The Tribunal decides to suspend Mr. Jeong as International Referee for the period of one (1) year, effective as per date of the admission of guilt. His suspension shall therefore end at 4 March 2021.

18. The decision of the Tribunal can be appealed under Article 4 of the WT Disciplinary Actions and Appeals Code within 20 days after receiving this decision.

28 April 2020

A handwritten signature in black ink, reading "Hoss Rafaty". The signature is fluid and cursive, with the first name "Hoss" and last name "Rafaty" clearly distinguishable.

Mr. Hoss Rafaty
Secretary-General