

## **ADMINISTRATIVE PANEL DECISION**

### **JCB Co., Ltd. v. KIEN NGUYEN TRUNG**

#### **Case No. D2025-0511**

#### **1. The Parties**

The Complainant is JCB Co., Ltd., Japan, represented by Markmonitor, United States of America ( “United States” ).

The Respondent is KIEN NGUYEN TRUNG, Japan.

#### **2. The Domain Names and Registrar**

The disputed domain names <jcbhe.com>, <jcbhel.com>, <jcbhl.com>, <jcbjp.com>, <jcbjpl.com>, <jcbjplz.com>, <jcbql.com>, and <jcb1.com> are registered with NameSilo, LLC (the “Registrar”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 7, 2025. On February 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On February 10, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Domain Administrator, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 12, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on February 18, 2025.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on February 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 11, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 12, 2025.

The Center appointed Masato Dogauchi as the sole panelist in this matter on March 20, 2025. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

#### **4. Factual Background**

The Complainant is a company established in January 1961 in Japan providing, among others, financial and credit card services, travel agency services, and commercial information services. The Complainant employs around 4,555 people worldwide and has more than 164.4 million cardmembers, 53 million merchants, and annual transaction volume of JPY 47.1 trillion (approximately USD 301.5 billion).

The Complainant has trademarks incorporating the term JCB in many jurisdictions, such as:

- International Trademark Registration No. 908873 for JCB, registered on November 1, 2006;
- Japan Trademark Registration No. 1951500 for JCB JCBCARDS, registered on May 29, 1987; and
- United States Trademark Registration No. 3608075 for JCB, registered on April 21, 2009.

The Complainant is the registrant of a number of domain names, many of which incorporate its JCB trademark, including <jcb.co.jp> registered on July 18, 1995, <jcbusa.com> registered on September 11, 1996, and <jcbinternational.com> registered on January 20, 2000. In addition, the Complainant operates its official global domain name, configured on its “.jcb” Top-Level Domain (“TLD”), <global.jcb>, registered on January 8, 2016, which it uses for its principal website to promote its products and services around the world.

The disputed domain names were registered on November 4, 2024. All of the disputed domain names currently resolve to an error page. However, the Complainant contends that the disputed domain name <jcbjp.com> used to redirect Internet users to the Complainant’s official website, while all of the remaining disputed domain names (<jcbjplz.com>, <jcbjpl.com>, <jcbhl.com>, <jcbhel.com>, <jcbhe.com>, <jcb1.com>, and <jcbql.com>) were configured to redirect to the same webpage at the disputed domain name <jcbjp.com>.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

##### **B. Respondent**

The Respondent did not reply to the Complainant’s contentions.

#### **6. Discussion and Findings**

In accordance with the Rules, paragraph 15(a), a panel shall decide a case on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable. Since the Respondent has not made any substantive arguments in this case, the following decision is rendered on the basis of the Complainant’s contentions and other evidence submitted by the Complainant.

In accordance with the Policy, paragraph 4(a), in order to qualify for a remedy, the Complainant must prove each of the following:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

#### **A. 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. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of the JCB trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain names include the Complainant's JCB trademark as a whole. Such fact supports a finding that the disputed domain names are confusingly similar to the Complainant's JCB trademark. The addition of other terms does not prevent a finding of confusing similarity. [WIPO Overview 3.0](#), sections 1.7 and 1.8.

Accordingly, the Panel finds the first element of the Policy has been established.

#### **B. 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 a 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. [WIPO Overview 3.0](#), section 2.1.

The Panel finds that the Complainant has made a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names and the Respondent did not come forward with relevant evidence rebutting the prima facie case and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise.

Accordingly, the Panel finds the second element of the Policy has been established.

#### **C. 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.

In the present case, in consideration of the fact that the Complainant has been providing financial and credit card services, travel agency services, and commercial information services for many years using the JCB trademark around the world including in Japan where the Respondent is located, it is highly unlikely that the Respondent could have been unaware of the Complainant's JCB trademark at the time of registration of the disputed domain names on November 4, 2024. Such finding has been reinforced by the fact that one of the disputed domain names <jcbjp.com> previously redirected to the Complainant's website. Therefore, it is found that the Respondent registered the disputed domain names in bad faith.

On the other hand, with regard to the requirement that the disputed domain names are being used in bad faith, the Complainant contends that seven of the disputed domain names (<jcbjplz.com>, <jcbjpl.com>, <jcbhl.com>, <jcbhel.com>, <jcbhe.com>, <jcb1.com>, and <jcbql.com>) were configured to redirect to the same webpage at the disputed domain name <jcbjp.com> which used to redirect Internet users to the Complainant's official website. Although all of the disputed domain names currently resolve to an error page, this can change at any time, as the Respondent retains the control over the redirection. Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, the composition of the disputed domain names being confusingly similar to the Complainant's trademark, the previous use of the disputed domain names, the lack of a response from the Respondent, and finds that in the circumstances of this case the passive holding of the disputed domain names does not prevent a finding of bad faith under the Policy. The Panel finds that the Complainant has also established that the Respondent has used the disputed domain names in bad faith. Therefore, it is found that the Respondent has used the disputed domain names in bad faith.

Accordingly, the Panel finds that the Complainant has established the third element of the Policy.

## 7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain names <jcbhe.com>, <jcbhel.com>, <jcbhl.com>, <jcbjp.com>, <jcbjpl.com>, <jcbjplz.com>, <jcbql.com>, and <jcb1.com> be transferred to the Complainant.

/Masato Dogauchi/

**Masato Dogauchi**

Sole Panelist

Date: March 26, 2025