

ADMINISTRATIVE PANEL DECISION

Ryusaku Abe (Name Redacted) v. FlokiNET Ltd WhoisProtection FlokiNET Ltd WhoisProtection, FlokiNET Ltd
Case No. D2026-1145

1. The Parties

The Complainant is Ryusaku Abe (Name Redacted), Japan, self-represented.

The Respondent is FlokiNET Ltd WhoisProtection FlokiNET Ltd WhoisProtection, FlokiNET Ltd , Seychelles.

2. The Domain Name and Registrar

The disputed domain name <aberyusaku.com> is registered with Tucows Domains Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 17, 2026. On March 18, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 18, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 30, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed amendments to the Complaint on March 30, April 1, and April 8, 2026, respectively.

The Center verified that the Complaint together with the amendments to the 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 April 10, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 30, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 6, 2026.

The Center appointed Steven A. Maier as the sole panelist in this matter on May 11, 2026. 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 an individual located in Japan. He is the representative director of Airsalon Inc, a Japan-based company providing beauty salon sharing services, and also operates an investigative media outlet named S.

The Complainant is the applicant for a Japan trademark ABERYUSAKU, for printed materials in International Class 16, filed under serial number 2026-029428 on March 17, 2026. The application was pending as at the date of the Complaint.

The disputed domain name was registered on January 20, 2025.

The disputed domain name has resolved to a Japanese-language website, of which no translation has been provided by the Complainant. However, the website comprises text and photographs, and includes the terms “S.” and “Airsalon”.

5. Parties’ Contentions

A. Complainant

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

The Complainant claims, in particular, to have obtained unregistered or common law trademark rights in the mark ABERYUSAKU. He bases this claim upon:

- over a decade of continuous use of that name as the representative director of Airsalon Inc, which is stated to have annual revenues of approximately JPY 1.6 billion;
- his operation under that personal name of the investigative media outlet S., which he states has gained significant public recognition in Japan;
- his status as the largest shareholder of Seifert Inc, a publicly listed Japanese company, together with widespread media coverage of his “corporate governance activism”;
- recognition by multiple Japanese courts of his personal name rights and rights or privacy, including over ten provisional dispositive orders issued by the Supreme Court of Japan; and
- his active prosecution of over 65 self-managed civil litigation cases in Japanese courts, establishing himself as a publicly-recognized figure whose name has acquired a secondary meaning.

The Complainant submits that the disputed domain name reproduces his personal name (in its Romanized form) in its entirety, and is therefore identical to a trademark in which he has rights.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. He states that the Respondent has not commonly been known by the disputed domain name, has no relevant trademark rights, and is making neither bona fide commercial use, or legitimate noncommercial or fair use, of the disputed domain name.

He contends that, instead, the Respondent has appropriated his personal name, for the purpose of disclosing content which a court has ordered to be deleted, which cannot give rise to rights or legitimate interests on the Respondent's part.

The Complainant submits that the disputed domain name has been registered and is being used in bad faith. He states that the disputed domain name was registered long after he had established a reputation in the ABERYUSAKU mark, and that it directly replicates that mark. He asserts (on information and belief) that the individual behind the registration of the disputed domain name has been the subject of numerous proceedings brought by the Complainant in the Japanese courts, and the subject of multiple dispositive orders and enforcement actions. The Complainant submits that the Respondent's website forms part of a broader, systematic, campaign of harassment against him, involving the publication of defamatory material and the unauthorized use of personal photographs. He contends that the material hosted on the Respondent's website is precisely that which the courts have ordered to be deleted, and that the material infringes his personality and privacy rights.

The Complainant submits that the disputed domain name is intended to divert Internet users by giving the false impression of a legitimate connection with the Complainant, and that it was registered and has been used for the purpose of disrupting the Complainant's business.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

- (i) the disputed domain name is 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 name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant is unable to demonstrate registered trademark rights in any jurisdiction. While he is the applicant for a Japan trademark ABERYUSAKU, which application was pending at the date of the Complaint, a pending trademark application can not of itself establish trademark rights within the meaning of 4(a)(i) of the Policy: see e.g. section 1.1.4 of WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)").

Insofar as the Complainant claims to have obtained unregistered or common law trademark rights in respect of his personal name, direction is provided in section 1.5 of [WIPO Overview 3.1](#) as follows:

"The UDRP does not explicitly provide standing for personal names that are not registered or otherwise protected as trademarks. Where a personal name is being used as a trademark (i.e., as a source-identifier in trade or commerce), the complainant may be able to establish unregistered or common law rights in the name for purposes of standing to file a UDRP case where the name is used in commerce as a distinctive identifier of the complainant's goods or services.

Merely having a famous name (such as a businessperson or cultural/political leader who has not demonstrated use of their personal name in a trademark/source-identifying sense), or authoring an article or giving a speech, or making broad unsupported assertions regarding the use of such name in trade or commerce, would not likely demonstrate unregistered or common law rights for purposes of standing to file a UDRP complaint.

Even in cases where the domain name and website content clearly target the personal name, this may not be enough to overcome a lack of specific evidence of use of the name as a distinctive source identifier...”

The principles referred to above are supported by a number of prior decisions under the UDRP. For example:

- the author Michael Crichton was found to have obtained unregistered trademark rights in his personal name by virtue of being the author of numerous commercially successful books written under that name (*Dr. Michael Crichton v. In Stealth Mode*, WIPO Case No. [D2002-0874](#));
- the actor Tom Cruise was found to have established unregistered trademark rights in his personal name on the basis that his name was recognized around the world in connection with his performing services (*Tom Cruise v. Network Operations Center / Alberta Hot Rods*, WIPO Case No. [D2006-0560](#));
- in *Malala Yousafzai v. syed haider*, WIPO Case No. [D2024-1157](#), the Panel found that, while the complainant being an internationally famous personality known under her own name for advocacy work was not of itself sufficient, the fact that she was also a bestselling author under her own name did give rise to unregistered trademark rights;
- the businesswoman Vanisha Mittal was found not to have unregistered trademark rights in respect of her personal name, despite being a director of a prominent international steel corporation, and also having achieved a degree of celebrity status; the panel observing that “celebrity status, on its own, does not provide a complainant with rights in a trademark or service mark”, and that a personality right was not the same as the use of a trademark in commerce (*Vanisha Mittal v. info@setrillonario.com*, WIPO Case No. [D2010-0810](#)); and
- in *Margaret C. Whitman v. Domains For Sale*, WIPO Case No. [D2008-1534](#), the panel observed that “merely having a ‘famous’ name is not sufficient to establish common law trademark or service mark rights in the name”, and that the complainant had not established unregistered trademark rights in respect of her personal name, despite the international recognition and wide publicizing of her fame and achievement as President and CEO of eBay between 1998 and 2008.

Bearing the above principles and prior decisions in mind, and having regard to the Complainant’s submissions and evidence available, the Panel does not find that the Complainant has established unregistered or common law trademark rights in respect of his personal name, Abe Ryusaku. The Panel reaches this conclusion for a number of reasons.

First, the Complainant’s own submissions do not support a finding of unregistered trademark rights. In particular, the Complainant’s principal contention is that he is a personally well known entrepreneur, by virtue of his widely-publicized stewardship of the Airsalon and S. enterprises. However, as is illustrated for example by the *Vanisha Mittal* and *Margaret C. Whitman* cases, to be known as a director of even a prominent and well known company is not sufficient to invest an individual with unregistered trademark rights, even if (as has not in fact been proven in this case) the individual has also obtained some level of celebrity status.

Secondly, the evidence tendered by the Complainant does not support the conclusion for which he contends. The Panel notes at this point that the majority of the exhibits provided by the Complainant are in the Japanese language only and without translations, despite the language of the proceedings being

English. Nevertheless, even upon an automated translation of the exhibits in question,¹ the Panel could find nothing to support a claim that the Complainant's name, in itself, has become a distinctive identifier of goods or services. (While the Complainant states that one of his exhibits includes evidence of his public and media profile, that exhibit comprises only a redacted driving license, which the Complainant has confirmed to the Center represents the relevant exhibit in its entirety.)

Thirdly, the Panel's own limited factual enquiries do not support the Complainant's case. A Google search against the term "Abe Ryusaku" did not appear to return any results relating to the Complainant, whereas a search against the term "Name Redacted" produces, predominantly, results relating to the social media accounts of the Aرسال business, albeit identifying the Complainant as the President of that company.

Fourthly (and based once again on the Panel's automated translation) the various Japanese court records provided by the Complainant do not appear to involve any finding of unregistered or common law trademark rights in the Complainant's personal name: the proceedings in question appear to be directed to breach of privacy and alleged defamation, and do not contain any discussion concerning trademark rights. For the avoidance of doubt, the Panel does not find a right of personal privacy (or any "personality right" as recognized in some jurisdictions) to equate to unregistered trademark rights.

Finally, as stated in section 1.5 of [WIPO Overview 3.1](#), above, even in cases where the domain name and website content clearly target the Complainant's personal name, this may not be enough to overcome a lack of specific evidence of use of the name as a distinctive source identifier. The Panel does not find that the Respondent's website content exhibited by the Complainant otherwise supports any finding that the Complainant has obtained unregistered trademark rights.

As is clear from the prior cases under the UDRP, individuals such as actors, authors, or indeed professional sports personalities,² may claim to have obtained unregistered trademark rights in circumstances where the commercial activities in which they participate are directly linked to, and recognizable by, their personal name. In this case, it is the Complainant's company names that are the source identifier of the goods or services which they provide, and the Complainant's association with those businesses, albeit as President or representative director, are not sufficient for his personal name to be regarded as an unregistered or common law trademark in its own right. That conclusion is unaffected by the publicity which (the Complainant contends) surrounds his business activities and civil litigation which he is pursuing.

The Complainant has failed in the circumstances to establish the first element under the Policy.

B. Rights or Legitimate Interests and C. Registered and Used in bad Faith

While the Panel's findings in respect of the first element are determinative of the proceeding, the Panel will briefly comment on the second and third elements.

The disputed domain name (ignoring the Top-Level Domain ".com") is identical to the Complainant's personal name and has been used for the purpose of a website which appears to contain material critical of the Complainant and/or his businesses. In the view of the Panel, therefore, the disputed domain name was registered in the knowledge of the Complainant's personal name, and with the intention of misleadingly attracting Internet users to the Respondent's website by falsely implying a legitimate association with the Complainant.

¹ As stated in section 4.8 of [WIPO Overview 3.1](#), a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision.

² See e.g., *Leroy Sané v. Duro Arezina*, WIPO Case No. [D2016-0308](#), where the Complainant was "a professional football player with a significant reputation who has used his name commercially in connection with the sale of products and services".

These actions on the part of the Respondent amount to impersonation, in which circumstances the Respondent can have no rights or legitimate interests in respect of the disputed domain name, and has in the view of the Panel both registered and used the disputed domain name in bad faith.

Ultimately, however, these findings cannot avail the Complainant in the context of proceedings under the UDRP, the Complainant having failed to establish the first, essential, element, under the Policy.

D. Reverse Domain Name Hijacking

Paragraph 15(e) of the 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: [WIPO Overview 3.1](#), section 4.16.

The Panel finds the present case to have been misconceived, in circumstances where the Complainant was unable to establish unregistered or common law trademark rights in his own name based on the submissions and evidence put forward. The Complainant is not, however, legally represented. Moreover, in view of the Panel's findings in respect of the second and third elements under the Policy, above, the Panel does not find the Complainant to have been brought by the Complainant in bad faith.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: May 22, 2026