

ADMINISTRATIVE PANEL DECISION

Yamaha Corporation v. Frederick Waller, Yamaha Kemble
Case No. D2026-1467

1. The Parties

The Complainant is Yamaha Corporation, Japan, internally represented.

The Respondent is Frederick Waller, Yamaha Kemble, United Kingdom.

2. The Domain Names and Registrar

The disputed domain names <yamaha-kemble.com>, <yamaha-kemble.net>, <yamahakemble.net> and <yamahakemblepiano.com> are registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 7, 2026. On April 7, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On April 22, 2026, 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 (Hosting Concepts B.V. d/b/a Registrar.eu / Whois Privacy Protection Foundation) and contact information in the Complaint. The Center sent an email communication to the Complainant on the same day, providing the registrant and contact information disclosed by the Registrar, and requesting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on April 24, 2026.

The Center verified that the Complaint together with the amendment 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 30, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 20, 2026. The Respondent did not submit any formal Response. A third party sent several email communications to the Center on May 7, 9, 10, 19, and 31, 2026. The Center commenced the panel appointment process on May 26, 2026.

The Center appointed Deanna Wong Wai Man as the sole panelist in this matter on May 30, 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 Yamaha Corporation, a Japanese corporation established in 1897 and headquartered in Hamamatsu, Japan. The Complainant is a prominent manufacturer of musical instruments, audio equipment, and related products, and conducts business internationally under the YAMAHA name and trademark. The evidence adduced by the Complainant further indicates that the YAMAHA mark enjoys a substantial reputation and has been recognized among Japan's leading brands.

The Complainant owns numerous trademark registrations around the world for the mark YAMAHA. This includes, but is not limited to, European Union Trade Mark YAMAHA, Registration No. 000191387, registered on October 15, 1998, with the European Union Intellectual Property Office ("EUIPO").

Based on limited factual research into publicly available trademark records (see WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.8), the Panel notes that the Complainant is also the owner of European Union Trade Mark KEMBLE, Registration No. 002114858, registered on September 5, 2002 with the EUIPO in respect of musical instruments and related goods in International Class 15. The Panel further notes that previous UDRP panels have recognized the well-known character of the Complainant's YAMAHA trademark, including in *Yamaha Corporation v. Zhoulei*, WIPO Case No. [D2004-0126](#), and *Yamaha Corporation v. Ahmad Tbyb*, WIPO Case No. [D2023-4551](#).

The disputed domain names <yamaha-kemble.com>, <yamaha-kemble.net>, <yamahakemble.net>, and <yamahakemblepiano.com> were registered on January 5, 2025, February 3, 2026, February 3, 2026, and February 7, 2026, respectively. The evidence in the record shows that the disputed domain names resolved to websites containing references to Yamaha and Kemble pianos, all displaying "Yamaha Kemble" as a header. The websites particularly promoted pianos, musical instruments, music equipment, sheet music, and related services, invited Internet users to arrange piano demonstrations and order products through online contact forms, and otherwise presented themselves as providers of piano-related goods and services. The websites also referred to the historical relationship between Yamaha and Kemble pianos and offered "Kemble" badges for placement on Yamaha pianos. At the time of the Decision, the Panel notes that three of the disputed domain names, apart from <yamaha-kemble.com>, no longer resolve to active websites and instead return error pages or inactive website content.

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.

Notably, the Complainant contends that the disputed domain names are confusingly similar to its YAMAHA trademark because they incorporate that mark in its entirety and that the addition of the term "kemble" does not prevent a finding of confusing similarity.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain names because the Respondent is not affiliated with the Complainant, has not been authorized to use the YAMAHA trademark, and is not commonly known by the disputed domain names.

The Complainant also contends that the disputed domain names were registered and are being used in bad faith. In particular, the Complainant submits that YAMAHA is a well-known trademark, that the Respondent was aware of the Complainant's rights when registering the disputed domain names, and that the disputed domain names have been used in connection with websites exploiting the goodwill of the YAMAHA name with the intent to divert Internet users to its own websites for commercial gain.

B. Respondent

The Respondent did not submit any formal Response to the Complaint.

A third party sent several email communications to the Center on May 7, 9, 10 and 19, 2026. The Center noted that these communications originated from an email address different from the Registrar-disclosed email address for the Respondent and invited clarification regarding the relationship, if any, between the sender and the Respondent. The third party stated that "we have changed the email address we were temporarily using the address. We have changed it to yamaha.[...]@icloud.com", and "We have rectified Our Email Address as requested to yamaha.[...]@icloud.com. You may contact us on this email address from now on please".

Without making any determination as to the identity or status of the sender, the Panel has taken these limited communications into account, to the extent relevant. In those communications, the sender asserted that one of the disputed domain names, <yamaha-kemble.com>, relates to the historical relationship between Yamaha and Kemble pianos and that the associated website was intended to preserve the legacy of that relationship. The sender further contended that the associated website was operated on a voluntary basis, denied any improper conduct, and requested that the disputed domain name <yamaha-kemble.com> not be transferred. The sender also referred to the historical Yamaha-Kemble partnership and maintained that the disputed domain name <yamaha-kemble.com> was merely used to provide information relating to Yamaha and Kemble pianos. In the sender's further email communication sent after Panel appointment, he reiterated that the associated website provided information about Kemble and "Co" pianos, stating inter alia "We're Twin Companies. We're diverting monetary traffic to just Yamaha. People are relieved Yamaha is still building Musical Instruments for Kemble. Intellectual Property of Kemble is mine as I still build Kemble Pianos under the Yamaha name".

6. Discussion and Findings

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 3.1](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The Panel finds the marks YAMAHA and KEMBLE are recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms here, "piano", may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

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 that 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 3.1](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. The Respondent has not rebutted the Complainant’s prima facie showing 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.

Further, the Complainant has not authorized the Respondent to use its YAMAHA or KEMBLE trademarks, and there is no evidence in the record indicating that the Respondent is affiliated with the Complainant or commonly known by the disputed domain names or otherwise obtained the right to use the YAMAHA or KEMBLE trademarks in the disputed domain names. Nor is there any evidence that the Respondent is making a legitimate noncommercial or fair use of the disputed domain names without intent for commercial gain.

The Panel has also considered the informal email communications received by the Center, in which the sender essentially asserted that the disputed domain name <yamaha-kemble.com> was intended to preserve the legacy of the historical Yamaha-Kemble relationship. However, the evidence shows that the disputed domain names actually resolved to websites prominently using the YAMAHA and KEMBLE trademarks and offering for sale Yamaha and Kemble pianos and accessories, including also a notice stating that “Please just ask for a Kemble Badge to put on your Yamaha Piano” on the website associated with the disputed domain name <yamaha-kemble.com>. These websites further promoted pianos, musical instruments, music equipment, sheet music, and related services, and invited Internet users to arrange piano demonstrations and submit sales inquiries through online contact forms. As noted above, both YAMAHA and KEMBLE are prior trademarks owned by the Complainant. In these circumstances, the Panel does not consider the Respondent’s use of the disputed domain names to constitute a bona fide offering of goods or services. Nor does the Panel find that the disputed domain names have been used for a genuine noncommercial fan site or informational purpose. As noted in section 2.7 of the [WIPO Overview 3.1](#), a respondent’s fan or informational website must be noncommercial, active, genuine, and clearly distinct from any official website of the trademark owner. The Panel does not consider this to be the case here.

The Panel further notes that three of the disputed domain names <yamaha-kemble.com>, <yamaha-kemble.net> and <yamahakemble.net consist solely of a combination of the Complainant’s prior YAMAHA and KEMBLE trademarks (the fourth one, <yamahakemblepiano.com>, only adding the descriptive word “piano”). In this regard, the Panel considers that such domain names also carry a high risk of implied affiliation with the Complainant and are likely not to be clearly distinct from an official website of the trademark owner. Such composition falsely suggests sponsorship, endorsement, or authorization by the Complainant and does not support any finding of rights or legitimate interests on the part of the Respondent. See section 2.5.1 of the [WIPO Overview 3.1](#).

As to the fact that three of the disputed domain names currently direct to an inactive or error webpage, the Panel finds that holding a domain name passively, without making any use of it, also does not confer any rights or legitimate interests in such disputed domain name on the Respondent in the circumstances of this case (see in this regard earlier UDRP decisions such as *Bollore SE v. 赵竹飞 (Zhao Zhu Fei)*, WIPO Case No. [D2020-0691](#); and *Vente-Privee.Com and Vente-Privee.com IP S.à.r.l. v. 崔郡 (jun cui)*, WIPO Case No. [D2021-1685](#)).

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, the Panel notes that the Respondent has registered the disputed domain names, which are confusingly similar to the Complainant's YAMAHA trademark and, in several instances, consist solely of a combination of the Complainant's YAMAHA and KEMBLE trademarks. The Panel further notes that previous panels applying the Policy have recognized the Complainant's YAMAHA trademark as a well-known trademark, including in *Yamaha Corporation v. Zhoulei*, WIPO Case No. [D2004-0126](#), and *Yamaha Corporation v. Ahmad Tbyb*, WIPO Case No. [D2023-4551](#), and the Panel agrees with this assessment. The Panel infers from these circumstances that, by registering the disputed domain names, the Respondent deliberately and consciously targeted the Complainant's trademarks, which creates a presumption of bad faith. The Panel further notes that the Complainant's trademark registrations predate the registration dates of the disputed domain names by many years and considers that the Respondent knew, or at least should have known, of the Complainant's trademark rights at the time of registration. This conclusion is further supported by the content of the websites to which the disputed domain names resolved. According to the evidence, these websites used the YAMAHA and KEMBLE trademarks for pianos, promoted piano-related goods and services, and invited Internet users to arrange piano demonstrations and submit product inquiries through online contact forms. The Panel also notes that the websites also offered "Kemble" badges for placement on Yamaha pianos. In the Panel's view, such use demonstrates the Respondent's clear awareness of the Complainant, its trademarks, and its products at the time of registration. In light of the above circumstances, the Panel finds that the disputed domain names were registered in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.1](#), section 3.2.1.

As to the use of the disputed domain names, the Panel notes that the disputed domain names resolved to websites prominently displaying the Complainant's YAMAHA and KEMBLE trademarks and offering piano-related goods and services to the public. The websites promoted pianos, musical instruments, music equipment, and sheet music, and invited Internet users to arrange piano demonstrations and submit product inquiries through online contact forms. The Panel therefore finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's websites by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of the websites and the goods and services offered thereon. Accordingly, the Panel finds that this constitutes direct evidence of use in bad faith as set out under paragraph 4(b)(iv) of the Policy.

As to the current inactive status of the websites to which three of the disputed domain names direct, panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and well-known nature of the Complainant's trademark, and the composition of the disputed domain names, and finds that in the circumstances of this case the

passive holding of three of the disputed domain names does not prevent a finding of bad faith under the Policy.

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 <yamaha-kemble.com>, <yamaha-kemble.net>, <yamahakemble.net>, <yamahakemblepiano.com> be transferred to the Complainant.

/Deanna Wong Wai Man/

Deanna Wong Wai Man

Sole Panelist

Date: June 8, 2026