

ADMINISTRATIVE PANEL DECISION

Spicysoft Corporation v. Svetlana Kyriakidou, Amici IT Ltd
Case No. D2025-0232

1. The Parties

Complainant is Spicysoft Corporation, Japan, internally represented.

Respondent is Svetlana Kyriakidou, Amici IT Ltd, Cyprus.

2. The Domain Name and Registrar

The disputed domain name <chariso.com> (the “Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 23, 2025. On January 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On January 24, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name, which differed from the named Respondent (GoDaddy.com, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on January 27, 2025, providing the registrant and contact information disclosed by the Registrar, and requesting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on January 27, 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 Respondent of the Complaint, and the proceedings commenced on January 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 17, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on February 18, 2025.

The Center appointed Christopher S. Gibson as the sole panelist in this matter on February 24, 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

Complainant is a Japanese software company that has provided evidence it has used the name “chariso” since 2009 in connection with the Chariso series action game involving bicycle riders who encounter obstacles, cliffs, and competition, all of which must be overcome to succeed in the game. The game has been available for download and use on smart phones and the Nintendo gaming system, with more than 20 million downloads and ranked 5th in the all-time Nintendo 3DS download software sales ranking.

Complainant provided evidence that it actively used the Domain Name to provide its gaming services and build a strong online presence. However, Complainant states the Domain Name expired due to unforeseen circumstances related to payment issues and was subsequently registered by Respondent on November 15, 2024. Complainant has provided evidence (through Internet Archive Wayback Machine screenshots) that it used the Domain Name since at least as early as 2012 and through April 2024. The Panel verified that the Domain Name was used by Complainant until at least June 2024, when it was used to promote its Chariso series at the website “www.chariso.com”, and between June and September 2024, it was used to re-direct to Complainant’s website at “www.spicysoft.com”.

Complainant holds valid trademarks for チャリ走 (pronunciation: CHARISO) in Japan, with registration 5243679, registered July 3, 2009, and registration 5947072, registered May 19, 2017. These trademarks are associated with Complainant’s business, which has actively used this mark and operated under the name “Chariso” for over 10 years. Complainant states the mark チャリ走 (pronunciation: CHARISO) has gained international recognition through its distribution on platforms such as the App Store, Google Play, and Nintendo, where it has been accessible globally.

According to publicly available Whois information, the Domain Name was registered on November 15, 2009, and the evidence shows that Respondent is using the Domain Name solely for displaying advertisements.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name. Complainant has provided evidence that it holds valid trademarks for チャリ走 (pronunciation: CHARISO) in Japan and states the mark has gained international recognition through its distribution on platforms such as the App Store, Google Play, and Nintendo, where it has been accessible globally. Complainant contends the Domain Name is identical to Complainant’s trademark, with the Top-Level Domain (“TLD”) “.com” being irrelevant for the purpose of this analysis.

Complainant states the Domain Name, which was previously held by Complainant, expired due to unforeseen circumstances related to payment issues, and it was subsequently registered by Respondent on November 15, 2024. Respondent is now using the Domain Name solely for displaying advertisements, which Complainant contends is inconsistent with any legitimate interest or right to the Domain Name. Indeed, Complainant claims Respondent has no rights or legitimate interests to the Domain Name, and the current use of the Domain Name demonstrates bad faith. Respondent is not commonly known by the name “Chariso.” Respondent has not used the Domain Name for any legitimate business purpose. Instead, it is being used to resolve to a parked page displaying pay-per-click (PPC) advertisements, capitalizing on Complainant’s trademark reputation.

Complainant submits Respondent has demonstrated bad faith in registering and using the Domain Name. Respondent is using the Domain Name solely for commercial gain by displaying unrelated advertisements.

By using the Domain Name, Respondent is intentionally attempting to attract, for commercial gain, Internet users seeking Complainant's official website. This activity creates a likelihood of confusion as to the source or affiliation of Respondent's website, unfairly exploiting the goodwill of Complainant's trademark. The advertisements include redirects to irrelevant third-party services and products, exploiting the goodwill of the "CHARISO" trademark to mislead users. Such use demonstrates bad faith as defined under the UDRP. Furthermore, Respondent is illegitimately exploiting traffic originating from links in the App Store and Google Play that designate the Domain Name as the official website for Complainant's products, as well as inquiry links, in-app links, and Application Programming Interface (API) communications embedded within the distributed applications. Respondent is also hijacking traffic from the Wikipedia article that identifies the Domain Name as the official website for Complainant's "Chariso" game series. This behavior further demonstrates bad faith, as it misappropriates user trust and damages Complainant's reputation while profiting from redirected traffic. Finally, Respondent has obscured ownership information through privacy protection in the Whois records, making it difficult for the rightful owner to reclaim the Domain Name. This behavior further demonstrates bad faith in the registration and use of the Domain Name.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

To succeed on its Complaint, Complainant must demonstrate that the three elements set forth in paragraph 4(a) of the Policy have been satisfied. These elements are that:

- (i) the Domain Name registered by Respondent is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) Respondent has registered and is using the Domain Name 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 straightforward comparison between 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.

Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. According to the evidence provided by Complainant, the pronunciation of Complainant's チャリ走 mark shown on the website at Japan Patent Office is CHARISO, which is entirely reproduced within the Domain Name. Accordingly, the Domain Name is identical or confusingly similar to the チャリ走 mark for the purposes of the Policy because such mark is recognizable through its transliteration. [WIPO Overview 3.0](#), section 1.14.

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

B. Rights or Legitimate Interests

Although the overall burden of proof in UDRP proceedings is on a 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.

Having reviewed the available record, the Panel finds that Complainant has made out a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name. Complainant did not authorize Respondent to use Complainant's mark in the Domain Name or to hold itself out as associated with Complainant. Respondent does not appear to own any registered or unregistered trademark related to the Domain Name. Moreover, there is no evidence of Respondent making a legitimate noncommercial or fair use of the Domain Name. Instead, in the circumstances of this case – where Respondent failed to respond to Complainant and the Domain Name links to a parked page displaying PPC advertisements that include the Japanese language (the same language used by Complainant when it owned the Domain Name), even despite the Domain Name itself being in the English language – the Panel finds that Respondent's use gives rise to no rights or legitimate interests in the Domain Name.

Therefore, the Panel finds that Respondents have not rebutted Complainants' prima facie case that Respondents lacks rights or legitimate interests in the Domain Name. Accordingly, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The third element of paragraph 4(a) of the Policy requires that Complainant demonstrate that Respondent registered and is using the Domain Name in bad faith. [WIPO Overview 3.0](#), section 3.1, states, "bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark."

Here, the Panel determines that the Domain Name was registered and has been used in bad faith. In the present case, the Panel observes that Respondent most likely acquired the Domain Name after September 2024, following the apparent inadvertent expiration of Complainant's registration of the Domain Name. The Whois record shows that the Domain Name was originally registered on November 15, 2009, presumably by Complainant, the same year it obtained its trademark registration for its チャリ走 (pronunciation: CHARISO) mark in Japan. In any event, the evidence clearly shows that Complainant used the Domain Name from at least 2012, and Complainant had used the Domain Name for many years until most likely September 2024. As for Respondent's use of the Domain Name, it has been linked to a parked webpage displaying PPC advertisements that include links in the Japanese language, even despite the Domain Name itself being in the English language. This is relevant because much of Complainant's content on its former websites associated with the Domain Name had included Japanese content. These circumstances suggest it is more likely than not that Respondent targeted Complainant and its trademark when acquiring the Domain Name, further confirmed by the PPC advertisements on Respondent's webpage. Respondent has not responded to the Complaint or tried in any way to justify its registration and use of the Domain Name in these circumstances.

In conclusion, the Panel determines that, for all the above reasons, the Domain Name was registered and has been used in bad faith. Accordingly, Complainant has satisfied 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 Domain Name <chariso.com> be transferred to Complainant.

/Christopher S. Gibson/

Christopher S. Gibson

Sole Panelist

Date: March 26, 2025