

## ADMINISTRATIVE PANEL DECISION

Mizuho Financial Group, Inc. v. 石磊 (Lei Shi)  
Case No. D2025-0670

### 1. The Parties

The Complainant is Mizuho Financial Group, Inc., Japan, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is 石磊 (Lei Shi), China.

### 2. The Domain Name and Registrar

The disputed domain name <mizuhoamericasservice.com> is registered with Chengdu West Dimension Digital Technology Co., Ltd. (the "Registrar").

### 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on February 19, 2025. On February 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 21, 2025, 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 February 23, 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 in English on February 27, 2025.

On February 23, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On February 27, 2025, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 in Chinese and English, and the proceedings commenced on February 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 19, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 23, 2025.

The Center appointed Jonathan Agmon as the sole panelist in this matter on March 28, 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 was formed in 2002 by the merger of three of Japan's oldest banks, Dai-Ichi Kangyo Bank, Yasuda Bank (Fuji Bank), and the Industrial Bank of Japan. Headquartered in Chiyoda City, Tokyo, Japan, the Complainant has developed an extensive network in Asia and the rest of the world and currently ranks 226 on the Fortune Global 500. The Complainant is well established as a financial powerhouse in Asia and has a continually growing presence across the Americas, Europe, the Middle East and Africa with over 800 offices and 55,000 experts worldwide, as well as being listed on the New York Stock Exchange. Between April 2023 and March 2024, the Complainant reported a consolidated return on equity of 7.6% and consolidated net business profits of JPY 1,005.8 billion.

The Complainant owns various trademark registrations for MIZUHO, including the following:

- China trademark registration No. 1575859 for MIZUHO, registered on May 21, 2001;
- China trademark registration No. 3750620 for MIZUHO, registered on November 21, 2005;
- United States of America trademark registration No. 2787842 for MIZUHO, registered on December 2, 2003;
- Canada trademark registration No. TMA570573 for MIZUHO, registered on November 8, 2002;
- European Union trademark registration No. 002205615 for MIZUHO, registered on November 25, 2002;
- United Kingdom trademark registration No. UK00902205615 for MIZUHO, registered on November 25, 2002; and
- International trademark registration No. 1142143 for MIZUHO, registered on September 10, 2012.

The Complainant maintains a strong Internet presence through their website and social media profiles. The Complainant's primary domain name <mizuhogroup.com> was registered on January 10, 2014. The Complainant also owns over 60 domain names incorporating its MIZUHO trademark.

The disputed domain name was registered on July 30, 2024, and at the time of filing of the Complaint, resolved to a website displaying Pay-Per-Click ("PPC") links.

#### **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 name.

Notably, the Complainant contends that:

- The disputed domain name is confusingly similar to a trademark in which the Complainant has rights. The disputed domain name consists of the entirety of the Complainant's trademark with the addition of the dictionary terms "americas" and "service". The addition of the generic Top Level Domain ("gTLD") ".com" is a standard technical requirement and is to be disregarded under the first element. The disputed domain name is also confusingly similar to the name of the Complainant's subsidiary, Mizuho Americas LLC, through which the Complainant conducts its banking services in the Americas.
- The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not commonly known by the disputed domain name. The Respondent is not sponsored by or affiliated with the Complainant in any way. The Complainant has not given the Respondent permission to use the Complainant's trademarks in any manner, including registering a domain name. The Complainant has not licensed, authorized, or permitted Respondent to register domain names incorporating the Complainant's trademark. The disputed domain name was registered long after the Complainant registered its trademarks, and the disputed domain name therefore carries a high risk of implied affiliation with the Complainant. At the time of filing the Complaint, the disputed domain name resolved to a parked website featuring PPC links, some of which advertise goods and/or services that compete with the Complainant's own offerings. Further, the Respondent is offering the disputed domain name for sale, which is evidence of bad faith. Further, the Mail Exchanger (MX) records of the disputed domain name are enabled, which the Complainant believes may potentially allow the Respondent to send emails from the disputed domain name and be part of a phishing or impersonation scheme in the future. The Respondent is also using a privacy service, which has been held by past panels to be a sign of lack of legitimate interests.
- The disputed domain name was registered and is being used in bad faith. The Complainant and its MIZUHO trademark are known internationally since 2002, well before the registration of the disputed domain name. By registering a domain name that fully incorporates the Complainant's MIZUHO trademark, the Respondent has created a domain name that is confusingly similar to the said trademark, as well as the Complainant's <mizuhogroup.com> domain name. The Complainant believes that the Respondent has therefore demonstrated a knowledge of and familiarity with the Complainant's brand and business. The fact that the Respondent opted to combine the Complainant's trademark with terms related to its business when registering the disputed domain name supports a finding that the Respondent was aware of the Complainant at the time of registering the disputed domain name. The Complainant believes that given the fame of the Complainant and its MIZUHO trademark, it is not possible to conceive of a plausible situation in which the Respondent would have been unaware of the Complainant's brands at the time the disputed domain name was registered. The Complainant believes that the Respondent has created a likelihood of confusion between the Complainant's trademark by registering the disputed domain name. The disputed domain name resolves to a parked webpage displaying PPC links, some of which advertise goods and/or services that compete with the Complainant's own offerings. Further, the Complainant believes that the Respondent has demonstrated an intent to sell the disputed domain name for valuable consideration in excess of his out-of-pocket expenses, which is evidence of bad faith. The MX records of the disputed domain name have also been configured, which the Complainant believes, may potentially be used for phishing purposes. The Respondent has ignored the Complainant's cease-and-desist letters, and has been using a privacy service to hide his identity, which are signs of bad faith. The Respondent has also been engaged in a pattern of cybersquatting conduct, which is evidence of bad faith.

## **B. Respondent**

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

## 6. Discussion and Findings

### 6.1 Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the facts that:

- The disputed domain name is comprised of Latin characters and incorporates English terms such as “Americas” and “service”;
- The Respondent had failed to respond to the Complainant’s cease-and-desist letter despite having ample time and opportunity to do so. To allow the Respondent to dictate the course of the matter and further burden the Complainant would contravene the spirit of the UDRP and disadvantage the Complainant;
- The Complainant is unable to communicate in Chinese and requiring the Complainant to translate the Complainant into Chinese would unfairly disadvantage the Complainant and delay the proceedings, which would pose continuing risk to the Complainant and unsuspecting consumers seeking the Complainant’s products; and
- It would unduly burden the Complainant to arrange and have to pay for translation services where the Respondent has demonstrated behavior that disrupts the Complainant’s business and has already required the Complainant to devote significant time and resources to addressing this instance of abuse.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties’ ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

### 6.2 Substantive Issues

#### 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 3.0](#), section 1.7.

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

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, “americas” and “services”, 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 name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), 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 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 the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. 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 name such as those enumerated in the Policy or otherwise.

There is no evidence to suggest that the Respondent is commonly known by the disputed domain name. The Complainant’s registration of its trademark(s) predates the registration of the disputed domain name. The disputed domain name resolves to a website displaying PPC links which advertise goods and/or services that compete with the Complainant’s own offerings. The disputed domain name is being offered for sale on a GoDaddy webpage, for a price to be quoted. There is no objective evidence showing that the Respondent is using or has made any preparations to use the disputed domain name in connection with a bona fide offering of goods or services or for a legitimate noncommercial or fair use purpose.

The Panel also finds that the use of the Complainant’s MIZUHO trademark in its entirety carries a risk that the disputed domain name would be perceived by Internet users to be affiliated with the legitimate holder of the trademark, i.e. the Complainant. See [WIPO Overview 3.0](#), section 2.5.1. It has been held by prior UDRP panels that where a domain name consists of a trademark, such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. The Respondent’s choice of a well-known trademark associated with the Complainant shows a clear intent to mislead unsuspecting Internet users expecting to find the Complainant and instead are directed to a website displaying PPC links which advertise goods and/or services that compete with the Complainant’s own offerings.

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 registered the disputed domain name long after the Complainant registered its MIZUHO trademark. Given the distinctiveness of the Complainant's mark and its goodwill, it is highly unlikely that the Respondent did not know of the Complainant and its MIZUHO trademark prior to the registration of the disputed domain name.

The disputed domain name resolves to a parked webpage displaying PPC links, some of which advertise goods and/or services that compete with the Complainant's own offerings. Previous panels have found bad faith under Policy 4(b)(iv) where a respondent uses a confusingly similar domain name to resolve to a website featuring links to third-party websites that create revenue for the respondent. See [WIPO Overview 3.0](#), section 3.5.

Further, the disputed domain name is being offered for sale. Given the notoriety of the Complainant and its MIZUHO trademark, the fact that the Complainant has a subsidiary Mizuho Americas LLC, and the other circumstances of this case, the Panel finds that the Respondent registered and is using the disputed domain name for the purpose of selling the disputed domain name for valuable consideration likely in excess of the Respondent's documented out-of-pocket costs and/or to disrupt the Complainant's business. See *Groupe Auchan v. Bui Tan Dat / Domain ID Shield Service Co., Limited*, WIPO Case No. [D2014-1935](#).

The Complainant also indicated that the disputed domain name has active and configured MX records, which the Complainant believes, may potentially be used for phishing purposes. Given the other circumstances of this case, the configuring of the MX records, which can only be used for sending and receiving emails under the disputed domain name is a further indication of bad faith. See *bioMérieux v. Registration Private, Domains By Proxy, LLC / Milton Bardmess*, WIPO Case No. [D2020-3499](#).

The Respondent has ignored the Complainant's cease-and-desist letters, which is also an indication of bad faith. The Panel also notes that the Respondent failed to file a Response to the Complainant despite successful delivery of the documents from the Center and draws adverse inferences 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 name <mizuhoamericasservice.com> be transferred to the Complainant.

/Jonathan Agmon/

**Jonathan Agmon**

Sole Panelist

Date: April 17, 2025