

ADMINISTRATIVE PANEL DECISION

Nipro Corporation v. 胡献锋 (Xian Feng Hu)

Case No. D2025-1476

1. The Parties

The Complainant is Nipro Corporation, Japan, represented by Markmonitor Inc., United States of America ("United States").

The Respondent is 胡献锋 (Xian Feng Hu), China.

2. The Domain Name and Registrar

The disputed domain name <niprotrading.com> is registered with Cloud Yuqu LLC (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on April 10, 2025. On April 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 14, 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 (Registration Private) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 14, 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 April 16, 2025.

On April 14, 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 April 16, 2025, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant's language 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 in Chinese and English of the Complaint, and the proceedings commenced on April 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 12, 2025. The Respondent sent an email communication to the Center on May 11, 2025, expressing its willingness to settle. On May 14, 2025, the Center sent a possible settlement email to the Parties. On May 19, 2025, the proceeding was suspended for purposes of settlement discussions following the Complainant's request. On June 6, 2025, the Complainant requested to reinstitute the proceeding after negotiations stalled between the Parties due to the Respondent's demand for monetary compensation from the Complainant, and the Center notified the reinstitution of proceeding on June 10, 2025.

The Center appointed Rachel Tan as the sole panelist in this matter on June 27, 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

Founded in 1954, the Complainant is a Japanese manufacturer of medical and pharmaceutical products, specialising in renal, medical-surgical, and interventional radiology products. The Complainant's products are sold throughout the world, with 305 sales and service centers in 61 countries around the world.

The Complainant is the owner of its NIPRO trade mark worldwide, including Japanese Trade Mark No. 1105815 for ニプロ (i.e. Japanese transliteration of NIPRO) registered on February 10, 1975 in Class 11; Chinese Trade Mark No. 280632 for NIPRO registered on March 10, 1987 in Class 10, and United States Trade Mark No. 1441070 for NIPRO registered on June 2, 1987 in Class 10.

The Complainant and its affiliated companies are also the registrants of the following domain names incorporating the trade mark NIPRO, for example <nipro.co.jp> (registered on March 28, 1997), <nipro.com> (registered on May 6, 1999) and <nipro-trading.com.cn> (registered on June 20, 2003).

The disputed domain name was registered on November 5, 2024. At the time of the Complaint and at the time of the Decision, the disputed domain name is configured to redirect to the GoDaddy website where it is offered for sale. Based on the undisputed evidence submitted by the Complainant, the sale price is USD 10,000.

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 the Complainant's NIPRO mark. The Complainant's NIPRO mark is incorporated in the disputed domain name in its entirety. The additional term "trading" and the generic Top-Level Domain ("gTLD"), i.e. ".com" do not prevent a finding of confusing similarity.

The Complainant further alleges that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not affiliated with the Complainant in any way and has not been authorised by the Complainant to use and register its NIPRO mark or to seek registration of any domain name incorporating this mark. The Respondent is neither commonly known by the name "nipro", "niprotrading" nor "nipro trading". The disputed domain name is also closely similar to the Complainant's domain name <nipro-trading.com.cn> where the only difference is the missing hyphen between the words "nipro" and "trading". The fact that the disputed domain name is offered for sale also demonstrates that the

Respondent has no intention of developing a legitimate activity through the disputed domain name and that the Respondent registered the disputed domain name for the sole purpose of taking unfair advantage of the Complainant's reputation and disrupting its business.

Finally, the Complainant argues that the disputed domain name was registered and is being used in bad faith. The Complainant claimed that they have used the NIPRO mark globally for more than 50 years. The disputed domain name wholly incorporates the Complainant's well-known mark with the word "trading" which is closely related to the Complainant's business. At the time of registering the disputed domain name, the Respondent knew or should have known of the Complainant's mark. Finally, the disputed domain name is being offered for sale and thus the Respondent is using the disputed domain name to gain commercial benefit from such activities.

B. Respondent

The Respondent did not reply to the Complainant's contentions. However, the Respondent sent an email to the Center claiming that the disputed domain name was accidentally acquired by him after it was deleted from by the original registrar. He had no intention of infringing the rights of any party. If the Complainant desires to have the transfer of the disputed domain name, he will agree to do so. It is noted that the Respondent has not submitted any evidence to support his claim.

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 fact that (i) Complainant is an international company located in Japan using English as an operational language and the use of another language than English in the proceeding would impose a significant cost and burden on the Complainant; (ii) the disputed domain name includes only Latin characters and the second-level domain contains the English term "trading"; and (iii) the disputed domain name is configured to redirect to the GoDaddy website where it is offered for sale and the whole content is displayed exclusively in English language.

The Respondent did not make any specific submissions with respect to the language of the proceeding but sent an email to Center in Chinese indicating willingness to settle. Having said that, the Panel notes that the Respondent had settlement discussions with the Complainant's representative who is based in the United States.

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, "trading", may bear on assessment of the second and third elements, the Panel finds the addition of such term 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.

Lastly, it is permissible for the Panel to disregard the applicable gTLD in the disputed domain name, i.e., ".com". [WIPO Overview 3.0](#), section 1.11.1.

Based on the available records, 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, including the email sent by the Respondent to the Center indicating his willingness to settle, 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. To the contrary, he has acknowledged that he acquired the disputed domain name by accident. Despite the indication of his willingness to settle, the Respondent has offered to sell the disputed domain name to the Complainant during the Parties' negotiation. The disputed domain name has been continuously offered for sale to the public on the Internet. According to the evidence provided by the Complainant of which the Respondent has not disputed, the sale price offered was USD 10,000, which is in excess of the normal costs for registering and maintaining a domain name.

Furthermore, the nature of the disputed domain name, comprising the Complainant's NIPRO mark with the addition of the dictionary term "trading", carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

None of the circumstances in paragraph 4(c) of the Policy are present in this case. For these reasons, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

Based on the available records, 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 Complainant's NIPRO mark has been registered worldwide. The disputed domain name was registered long after the registration of the Complainant's NIPRO mark. Through extensive use and advertising, the Complainant's NIPRO marks are well known throughout the world. Search results using the key words "nipro" on English and Chinese Internet search engines direct Internet users to the Complainant and its business, which indicates that an exclusive connection between the NIPRO mark and the Complainant has been established. In addition, the disputed domain name is almost identical to the Complainant's own domain name <nipro-trading.com.cn>. As such, the Respondent should have known of the Complainant's NIPRO mark when registering or acquiring the disputed domain name and has exercised "the kind of willful blindness that numerous panels have held support a finding of bad faith". See *Barclays Bank PLC v. Andrew Barnes*, WIPO Case No. [D2011-0874](#).

Furthermore, the Panel considers the mere registration of a domain name that is confusingly similar to a well-known trade mark by an unaffiliated person can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), sections 3.1.4 and 3.2.1. In this case, the disputed domain name is confusingly similar to the widely-known NIPRO mark and was registered by the Respondent who has no relationship with the Complainant, which means that a presumption of bad faith can be created.

Despite the Respondent's claim that the registration of the disputed domain name was by accident, this bare statement has not been supported by any evidence. Thereafter, the Respondent's act of offering the disputed domain name for sale at an excessive amount does not align with a bona fide intention to register and use the disputed domain name. The absence of circumstances indicating that the Respondent has rights or legitimate interests in the disputed domain name leads the Panel to conclude that the Respondent's intent in registering the disputed domain name was in fact to profit in some fashion from or otherwise exploit the Complainant's trade mark. In this case, the Panel finds the sale of the disputed domain name as evidence of bad faith registration and use. [WIPO Overview 3.0](#), section 3.1.1.

Taking into account these circumstances, the Panel finds that the Respondent must have known of the Complainant when registering or acquiring the disputed domain name and, considering the Respondent's lack of rights or legitimate interests, and by registering and using the disputed domain name as discussed above, the Panel is led to conclude that the disputed domain name was registered and is being used in bad faith.

Based on the available records, 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 <niprotrading.com> be transferred to the Complainant.

/Rachel Tan/

Rachel Tan

Sole Panelist

Date: July 11, 2025