

ADMINISTRATIVE PANEL DECISION

Nobuyuki Matsuhisa v. Mary Jones, “Microsoft”
Case No. D2025-3814

1. The Parties

The Complainant is Nobuyuki Matsuhisa, United States of America (“United States”), represented by Mayer Brown LLP, United States.

The Respondent is Mary Jones, “Microsoft”, Germany.

2. The Domain Name and Registrar

The disputed domain name <nobuae.com> is registered with Web Commerce Communications Limited dba WebNic.cc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 19, 2025. On September 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 September 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 19, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 22, 2025.

The Center appointed Gökhan Gökçe as the sole panelist in this matter on October 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 is Nobuyuki Matsuhisa, a Japanese citizen residing in the United States. The Complainant is a restaurateur and chef professionally known as “Nobu” and is associated with the Nobu Restaurant Group Holdings Company, which operates restaurants, hotels, spas, and residences worldwide under the NOBU trademark.

The Complainant also licenses the use of the domain name <noburestaurants.com>, including the sub-domain <noburestaurants.com/dubai>, in connection with NOBU branded restaurant locations.

The Complainant is the owner of the following NOBU trademark registrations:

- the European Union Trademark Registration No. 001215201 for NOBU, registered on January 10, 2001 in classes 21, 30, 42;
- the European Union Trademark Registration No. 006897425 for NOBU, registered on February 5, 2009 in classes 35, 36, 43;
- United States Trademark Registration No. 2646468 for NOBU, registered on November 5, 2002 in class 25;
- United States Trademark Registration No. 1959250 for NOBU, registered on February 27, 1996 in class 42;
- the United Arab Emirates Trademark Registration No. 53367 for NOBU, registered on May 28, 2005, in class 43;
- the United Arab Emirates Trademark Registration No. 053368 for NOBU, registered on May 28, 2005, in class 30;

All of the Complainant’s trademark registrations were registered before the disputed domain name, which was registered on June 4, 2025.

Pursuant to Annex 4 of the Complaint, prior to the filing of the Complaint, the disputed domain name resolved to a website displaying content identical to that found on the Complainant’s official webpage at “www.noburestaurants.com/dubai/home”. The website at the disputed domain name reproduced the Complainant’s branding, design and layout.

The Panel visited the website connected to the disputed domain name on November 3, 2025, and determined that disputed domain name does not currently resolve to an active website.

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 trademark.
- The Respondent has no rights or legitimate interests in respect of the disputed domain name.
- The disputed domain name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to a trademark 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.

Paragraph 4(a) of the Policy states that the Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not replied to the Complainant's contentions. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

However, concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the reasonable factual allegations provided in the Complaint as true. See section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

For the evaluation of this case, the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistently with the consensus views stated therein.

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 Panel finds that the entirety of the NOBU mark is reproduced within the disputed domain name with the addition of the letters "ae", which is not sufficient to escape the finding that the disputed domain name is confusingly similar to the Complainant's trademark NOBU. 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, "ae" 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.

In what concerns the addition of the generic Top-Level Domain ("gTLD") ".com" in relation to the disputed domain name, such is viewed as a standard registration requirement, and is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

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.

The Complainant contends, and the Panel accepts, that the Respondent has no connection or affiliation with the Complainant and has not been authorized, licensed, or otherwise permitted to use the Complainant’s NOBU trademark in any manner, including in a domain name. There is no evidence that the Respondent is commonly known by the name “NOBU” or “NOBUAE”.

As evidenced by Annexes 3 and 4 of the Complaint, the website at the disputed domain name reproduced the Complainant’s NOBU logo, design elements, photographs, and overall visual layout, closely imitating the Complainant’s official webpage at “[www.noburestaurants.com/dubai/home](#)”. The content and presentation were effectively identical, and the Respondent’s website appeared to be used for the purpose of fraudulently collecting users’ personal and payment information. The record shows that, shortly after the registration of the disputed domain name, the Respondent replicated the Complainant’s website in an attempt to mislead Internet users.

In light of these circumstances, the Panel finds that the Respondent has not demonstrated any rights or legitimate interests in respect of the disputed domain name.

The Respondent has not submitted any Response or evidence to rebut the Complainant’s prima facie case. In the absence of such evidence, the Panel draws adverse inferences under paragraph 14(b) of the Rules.

Furthermore, the composition of the disputed domain name, incorporating the Complainant’s NOBU trademark with the addition of the letters “ae”, might lead to confusion for Internet users and as such, carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

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 rights in the NOBU trademark predate the registration date of the disputed domain name by years. In light of the above as well as of the well-known character of the NOBU trademark, and of the composition of the disputed domain name, the Panel finds that

it is not conceivable that the Respondent registered the disputed domain name without knowledge of the Complainant's NOBU trademark, which supports a finding of bad faith registration. [WIPO Overview 3.0](#), section 3.2.2.

As shown in Annex 4 of the Complaint, the Respondent's website reproduces the Complainant's registered NOBU logo, evidencing intentional imitation. Such use demonstrates that the disputed domain name was registered and is being used in bad faith, with the intent to mislead consumers and exploit the Complainant's reputation.

In the Panel's view, the Respondent's failure to respond to the Complaint additionally supports the conclusion that it has registered and is using the disputed domain name 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 3.0](#), section 3.2.1.

Furthermore, panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark, as in this case, a trademark with a high distinctive character, by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

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 <nobuae.com> be transferred to the Complainant.

/Gökhan Gökçe/

Gökhan Gökçe

Sole Panelist

Date: November 6, 2025