

## **ADMINISTRATIVE PANEL DECISION**

Otsuka Holdings Co., Ltd. v. Reg Osborne  
Case No. D2025-4923

### **1. The Parties**

The Complainant is Otsuka Holdings Co., Ltd., Japan, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Reg Osborne, Germany.

### **2. The Domain Name and Registrar**

The disputed domain name <ostuka-us.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”. The date of registration is February 23, 2025.

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 26, 2025. On November 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 28, 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 (GDPR Masked) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 28, 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 on December 2, 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 the Respondent of the Complaint, and the proceedings commenced on December 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 24, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 26, 2025.

The Center appointed Vinod K. Agarwal as the sole Panellist in this matter on January 7, 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

According to the Complaint, the Complainant is a diversified healthcare group that brings together multiple complementary businesses across pharmaceuticals, nutraceuticals, and consumer products.

The Complainant was founded in 1921 as a small chemical company in Tokushima, Japan. The Complainant has since grown into a global group with operations in 32 countries and regions worldwide with 168 subsidiaries. As of 2023, the Complainant employed over 34,000 people and reported revenue exceeding JPY 2,018.6 billion (approx. 13.64 USD billion) with a business profit of JPY 312.6 billion (approx. USD 2.11 billion). The Complainant is listed on the Tokyo Stock Exchange (TSE: 4578) and is headquartered in Tokyo, Japan.

Further, according to the Complaint, the Complainant maintains a strong online presence, predominantly through its primary domain name <otsuka.com>, registered on October 7, 1997, which contains information about its wide range of brands and products. According to the evidence provided by the Complainant, the Complainant's main website received 43,546 individual visits in August 2025 alone. Additionally, it is the 75,466th most popular website in Japan, and the 678,099th worldwide and 792nd in the biotechnology and pharmaceutical industry.

The disputed domain name was registered on February 23, 2025, and it does not resolve to an active website.

#### 5. Parties' Contentions

##### A. Complainant

###### a. The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights

In relation to element (i), the Complainant contends that the Complainant trademark OTSUKA is registered in many jurisdictions under different classes. The details of the said registrations of the trademark in different jurisdictions and the classes are as mentioned below:

Trademark	Jurisdiction	Registration Number	Registration Date	International Classification
OTSUKA	Germany	944374	May 10, 1976	05
OTSUKA	European Union	000902072	December 10, 1999	05
OTSUKA	European Union	006311451	October 2, 2008	03, 05, 10, 29, 30, 32, 41, 42, and 44
OTSUKA	United States of America ("US")	3578198	February 17, 2009	05, 10, and 44
OTSUKA	US	4784227	August 4, 2015	01

The Complainant and its trademark OTSUKA are known internationally, with trademark registrations across numerous countries in the world. The Complainant has marketed and sold its goods and services using this trademark since 1921, which is well before Respondent's registration of the disputed domain name on February 23, 2025.

According to the Complaint the disputed domain name <ostuka-us.com> is a purposeful misspelling of Complainant's OTSUKA trademark and is confusingly similar to the Complainant's trademark. More specifically, the dominant portion of the disputed domain name varies from Complainant's trademark by only one letter – Respondent has interchanged the “t” and “s” in the name “OTSUKA”. As the disputed domain name differs from Complainant's trademark by just one letter, the disputed domain name must be considered a prototypical example of typo squatting – which intentionally takes advantage of Internet users that inadvertently type an incorrect address – often a misspelling of the complainant's trademark – when seeking to access the trademark owner's website. This means that a deliberate misspelling of a trademark registered as a domain name, which is intended to confuse Internet users, must be confusingly similar by design.

Thus, the disputed domain name must be considered confusingly similar to the Complainant's OTSUKA trademark in that it is similar to such trademark in both sight and sound. In other words the disputed domain name is visually similar to the Complainant's trademark, and the disputed domain name is also phonetically similar to the Complainant's trademark in terms of pronunciation.

The Respondent's addition of a hyphen does not distinguish the disputed domain name from the Complainant's trademarks. In other words, the use of such hyphen does not diminish the confusing similarity between the disputed domain name and the Complainant's trademarks and should be disregarded.

Finally, the inclusion of the term “us” after a misspelling of the Complainant's OTSUKA trademark does nothing to distinguish the disputed domain name from the Complainant's trademarks. Moreover, the use of this particular geographical term increases the likelihood of confusion with since the Complainant's primary website for the US market is connected to its domain name <otsuka-us.com>.

#### **b. The Respondent has no rights or legitimate interests in respect of 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 in domain names. The Respondent is not commonly known by the disputed domain name, which evinces a lack of rights or legitimate interests. Furthermore, the Complainant has not licensed, authorized, or permitted the Respondent to register the disputed domain name incorporating the Complainant's trademark. In the absence of any license or permission from the Complainant to use its trademark, no actual or contemplated bona fide or legitimate use of the disputed domain name could reasonably be claimed.

In the instant case, the pertinent Whois information identifies the Registrant as “GDPR Masked”; meanwhile the Notice of Registrant Information discloses them to be “Reg Osborne”, neither of which does not resemble the disputed domain name in any manner. Thus, where no evidence suggesting that the Respondent is commonly known by the disputed domain name, then the Respondent cannot be regarded as having acquired rights to or legitimate interests in the disputed domain name.

The Respondent is using the disputed domain name to redirect Internet users to a website that resolves to a blank page and lacks content. The Respondent is failing to make use of the disputed domain name and has not demonstrated any attempt to make legitimate use of the disputed domain name and website, which evinces a lack of rights or legitimate interests in the disputed domain name.

The Respondent registered the disputed domain name on February 23, 2025, which is significantly after the Complainant filed for registration of its OTSUKA trademark. The registration of the disputed domain name also falls significantly after the Complainant's registration of its domain names, <otsuka.com> on October 7, 1997, and <otsuka-us.com> on July 24, 2006.

Thus, the Respondent has no rights or legitimate interests in the disputed domain name.

**c. The disputed domain name was registered and is being used in bad faith**

The Complainant has marketed and sold its goods and services using the OTSUKA trademark since 1921, which is well before the Respondent's registration of the disputed domain name on February 23, 2025. At the time of registration of the disputed domain name, the Respondent knew of the existence of the Complainant's trademarks and that registration of domain names containing well-known trademarks constitutes bad faith per se. Moreover, the disputed domain name differs from the Complainant's own domain name <otsuka-us.com> only by the transposition of two letters, which demonstrates the Respondent was aware of, and specifically targeting, the Complainant's OTSUKA brand and trademark when the disputed domain name was registered.

The disputed domain name is a slight misspelling of the Complainant's OTSUKA trademark, as well as its <otsuka-us.com> domain name. Thus, the Respondent is attempting to capitalize on typing errors committed by Complainant's customers in trying to locate the Complainant on the Internet. In other words, the disputed domain name is a typosquatted version of the Complainant's OTSUKA trademark and has intentionally been designed to closely mimic the Complainant's trademark and primary domain name for the US market.

The disputed domain name currently resolves to an inactive site and is not being used. Where the Respondent made no use of the disputed domain name and there are no other indications that the Respondent could have registered and used the disputed domain name for any non-infringing purpose. In this case, the disputed domain name is confusingly similar to the Complainant's trademarks, and the Respondent has made no use of the disputed domain name, factors which should be duly considered in assessing bad faith registration and use.

The disputed domain name can only be taken as intending to cause confusion among Internet users, and thus, the disputed domain name must be considered as having been registered and used in bad faith with no good faith use possible. More specifically, where the disputed domain name varies from the Complainant's trademark by only one letter – The Respondent has transposed the “t” and “s” in the name “OTSUKA” with the addition of a hyphen and generic term “us”, there is no plausible good-faith reason or logic for the Respondent to have registered the disputed domain name. Rather, it is indicative of an intention to hold the disputed domain name “for some future active use in a way which would be competitive with or otherwise detrimental to the Complainant.”

Further, considering these circumstances, any use of the disputed domain name whatsoever, whether actual or theoretical, would have to be in bad faith. “It is not possible to conceive of any plausible actual or contemplated active use of the disputed domain name by the Respondent that would not be illegitimate, such as by being a passing off, an infringement of consumer protection legislation, or an infringement of the Complainant's rights under trademark law.

The Respondent, at the time of initial filing of the Complaint, employed a privacy service to hide its identity, which past Panels have held serves as further evidence of bad faith registration and use.

Finally, it is more likely that the Respondent knew of and targeted the Complainant's trademark, and the Respondent should be found to have registered and used the disputed domain name in bad faith.

**B. Respondent**

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

## 6. Discussion and Findings

According to paragraph 4(a) of the Policy, the Complainant must prove that:

- (i) The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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.

### A. Identical or Confusingly Similar

According to the information submitted by the Complainant, the Complainant is the owner of the trademark OTSUKA. The Panel finds that the mark OTSUKA is recognizable within the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), sections 1.7 and 1.9.

Therefore, the Panel finds that the disputed domain name is confusingly similar to the trademarks of the Complainant.

### B. Rights or Legitimate Interests

According to paragraph 4(c) of the Policy, the Respondent may demonstrate its rights to or legitimate interest in the disputed domain name by proving any of the following circumstances:

- (i) before any notice to the Respondent of the dispute, the Respondent's use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services; or
- (ii) the Respondent (as an individual, business or other organization) has been commonly known by the disputed domain name, even if the Respondent has acquired no trademark or service mark rights; or
- (iii) the Respondent is making a legitimate non-commercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

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 has been commonly known by the disputed domain name anywhere in the world. As per the registrant records, the Respondent's name is Reg Osborne.

Based on the available record, the Panel finds that the Respondent does not have any rights or legitimate interest in the disputed domain name. Further, in view of the fact that the Complainant has not licensed or otherwise permitted the Respondent to use its trademark or to apply for or use the disputed domain name incorporating a misspelled version of the Complainant's trademark.

Based on the evidence in the Complaint, the Panel finds that the above circumstances foreseen in paragraph 4(c) of the Policy do not exist in this case and that the Respondent has no rights or legitimate interests in the disputed domain name.

### C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy states that any of the following circumstances, in particular but without limitation, shall be considered evidence of the registration or use of the disputed domain name in bad faith:

- (i) Circumstances indicating that the Respondent has registered or acquired the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name registration to the Complainant who is the owner of the trademark or service mark or to a competitor of that the Complainant, for valuable consideration in excess of documented out-of-pocket costs directly related to the disputed domain name; or
- (ii) The Respondent has registered the disputed domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that it has engaged in a pattern of such conduct; or
- (iii) The Respondent has registered the disputed domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) By using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on its website or location.

The fame and unique qualities of the trademark OTSUKA which was adopted and applied for by the Complainant well prior to the registration of the disputed domain name, makes it extremely unlikely that the Respondent created the disputed domain name independently without any knowledge of the Complainant's trademark. Especially noting that the disputed domain name is highly similar to the Complainant's domain name <otsuka-us.com>.

This and the other evidence submitted by the Complainant lead to the presumption that the disputed domain name was registered by the Respondent in bad faith.

The disputed domain name does not resolve to an active website. Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Therefore, the Panel concludes that the registration and use of the disputed domain name in bad faith. Paragraph 4(a)(iii) of the Policy is satisfied.

### 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 <ostuka-us.com> be transferred to the Complainant

/Vinod K. Agarwal/

**Vinod K. Agarwal**

Sole Panelist

Date: January 20, 2026