ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
TOMY Company Ltd. (TAKARATOMY in Japanese) v. Clicca
Case No. D2026-0156

1. The Parties

The Complainant is TOMY Company Ltd. (TAKARATOMY in Japanese), Japan, represented by TMI Associates, Japan.

The Respondent is Clicca, Republic of Korea.

2. The Domain Name and Registrar

The disputed domain name <takaratomy.com> is registered with Inames Co., Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on January 15, 2026. On January 15, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 16, 2026, 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 (cypack.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 16, 2026, 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 amendment to the Complaint on January 21, 2026.

On January 16, 2026, the Center informed the parties in Korean and English, that the language of the registration agreement for the disputed domain name is Korean. On January 21, 2026, the Complainant requested English to be the language of the proceeding.

The Center verified that the Complaint together with the amendment to 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 in both Korean and English, and the proceedings commenced on January 21, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 10, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 11, 2026.

The Center appointed Ik-Hyun Seo as the sole panelist in this matter on February 18, 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

The Complainant is a global company in the toy industry based in Japan, formed on March 1, 2006 through a merger of Takara Co., Ltd. ("Takara") and Tomy Company, Ltd. ("Tomy"). Following the merger, the Complainant adopted the name TOMY Company, Ltd. in English, and in Japanese, "TAKARATOMY."

Takara, established in 1995, was a comprehensive toy manufacturer with more than 50 years of history at the time of the merger. Takara held the second-largest share of the toy market in Japan and was listed on the First Section of the Tokyo Stock Exchange, an exchange open only to companies satisfying strict requirements for business continuity and financial stability. Takara began exporting its toy products to the Republic of Korea in 1997 and its products such as the "Beyblade" were became popular in the Republic of Korea as well as globally, selling more than 150 million units in 53 countries worldwide by 2004.

Tomy, established in 1924, was a comprehensive toy manufacturer with more than 80 years of history at the time of the merger. Tomy held the third largest share of the toy market in Japan and was also listed on the First Section of the Tokyo Stock Exchange. Tomy began exporting its toy products to the Republic of Korea in 2002 and its sales in the Republic of Korea for the period April 2004 to March 2005 were 2,684,699 USD (more than 650,000 units sold).

Takara and Tomy officially announced their merger in a press release issued by Takara on May 13, 2006, but the news of the merger and the company's new name were reported in major daily newspapers and economic newspapers across Japan and the Republic of Korea one day prior to the announcement, on May 12, 2005.

The Complainant owns a number of trademark registrations for TAKARATOMY marks in jurisdictions worldwide including the following:

TAKARATOMY in Japanese characters: Japanese Trademark Registration Number 4965421 (filed on May 12, 2005, and registered on June 30, 2006) and Japanese Trademark Registration Number 4979939 (filed on November 17, 2005 and registered on August 18, 2006); and

TAKARATOMY Logo: Korean Trademark Registration Number 40-694756 (filed on May 9, 2006, and registered on January 22, 2007) and the European Trademark Registration Number 009279654 (filed on July 28, 2010 and registered on January 10, 2011).

The Complainant has seven subsidiaries in Japan and 28 overseas in Asia including the Republic of Korea, China, and Vietnam, as well as in North America, the United Kingdom, Europe, and Oceania. The Complainant's sales in the Republic of Korea for the period April 2006 to March 2007 were 14,329,859 USD (more than 2.3 million units sold).

According to information disclosed by the Registrar, the Respondent is an entity called "Clicca" with an address in the Republic of Korea.

The disputed domain name was registered on May 12, 2005, and redirects to the Registrar landing page advertising the disputed domain name for sale.

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 identical to the TAKARATOMY marks in which it has rights.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name and confirms that it has not authorized or licensed rights to the Respondent in any respect. The Complainant further contends that the Respondent registered the disputed domain name on May 12, 2025 when the merger and the Complainant's name was disclosed by the media, and that the Respondent registered the disputed domain name for unfair use without rights or legitimate interests.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant contends that the disputed domain name currently redirects to a page displaying the offer "The domain name takaratomy.com is for sale!" and that the Respondent has continuously and over the years attempted to sell the disputed domain name using multiple domain name sales sites. The Complainant contends that this shows that the Respondent registered and is using the disputed domain name primarily for the purpose of selling it to the Complainant or a competitor of the Complainant, for an unfairly large amount of consideration in excess of the out-of-pocket costs directly related to the disputed domain name. In addition, the Complainant contends that the TAKARATOMY mark is well known and famous worldwide including in the Republic of Korea and Japan, and that the Respondent's registration cannot have been by chance; rather, based on the fact that it was registered on the exact date of disclosure of the planned merger of Takara and Tomy and the new name for the company, it should be presumed that the Respondent's registration was in bad faith.

B. Respondent

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

6. Discussion and Findings

Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Korean. 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 the disputed domain name has offered the disputed domain name for sale in English on the webpage linked to the disputed domain name since 2013 which demonstrates the Respondent's familiarity with English, and the fact that requiring the Complainant to translate the Complaint to Korean would result in unnecessary delay and cost.

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 Select UDRP Questions ("WIPO Overview 3.1"), section 4.5.1). Here, the Complainant is a Japanese company and the Respondent, a Korean, so English would seem to be the neutral and fair language for both parties. Further, the Respondent neither raised an objection as to the language of the proceeding nor submitted any arguments whatsoever in these proceedings.

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.

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 3.1, section 1.7. Further, the UDRP makes no specific reference to the date on which the holder of the trademark or service mark acquired its rights, as long as such rights are in existence at the time the complaint is filed. WIPO Overview 3.1, section 1.1.3.

The Complainant has shown rights in respect of a trademark or service mark at filing of the Complaint for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

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 that 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 3.1, 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.

Moreover, "UDRP panels have found that domain names identical to a complainant's trademark carry a high risk of implied affiliation." WIPO Overview 3.1, section 2.5.1. Here, the disputed domain name only contains the Complainant's distinctive mark and Internet users are likely to be misled that any website associated with the disputed domain name would be owned and operated by the Complainant.

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 on the very day that the media reported on an impending business merger leading to the creation of the Complainant and its new name TAKARATOMY. Based on the timing and the distinctiveness of the name, it is evident that the Respondent targeted the Complainant and the mark by registering the disputed domain name to unfairly capitalize on the Complainant's nascent trademark rights, panels have been prepared to find that the respondent has acted in bad faith. WIPO Overview 3.1, section 3.8.2.

Further, Panels have found that the non-use of a domain name would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. WIPO Overview 3.1, section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark, the composition of the disputed domain name, and the timing of the registration 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.

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 <takaratomy.com> be transferred to the Complainant.

/Ik-Hyun Seo/
Ik-Hyun Seo
Sole Panelist
Date: March 5, 2026