

## **ADMINISTRATIVE PANEL DECISION**

Otsuka Pharmaceutical Co., Ltd. v. Host Master, Njalla Okta LLC  
Case No. D2026-1753

### **1. The Parties**

The Complainant is Otsuka Pharmaceutical Co., Ltd., Japan, represented by IP Twins, France.

The Respondent is Host Master, Njalla Okta LLC, Saint Kitts and Nevis.

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

The disputed domain name <otsuka.tel> is registered with Tucows Domains Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 24, 2026. On April 24, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 24, 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 (Unknown Respondent) and contact information in the Complaint. The Center sent an email communication to the Complainant April 27, 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 amended Complaint on April 27, 2026.

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 April 28, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 18, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 20, 2026.

The Center appointed Andrew Brown K.C. as the sole panelist in this matter on May 26, 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 Japanese health care company founded in 1964. The Complainant has two core businesses: a pharmaceutical business and a nutraceutical business. As at December 2020, the Complainant's products were produced through a network of over 120 factories in 14 countries.

The Complainant owns a trademark registration for the trademark OTSUKA ("the OTSUKA Trademark"):

Trademark	Jurisdiction	Number	Registration Date	Class
Otsuka	United Kingdom	UK00900902072	December 10, 1999	5

The disputed domain name was registered on April 1, 2026, and, according to the evidence on file, used to resolve to a website headed "Otsuka — Advanced Pharmaceutical Solutions for Global Health" passing off as the Complainant's site before being taken down by the hosting provider following the Complainant's abuse report.

#### 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 it has trademark rights to the OTSUKA Trademark in connection with the products it sells in class 5. The Complainant claims that its trademark rights date back many years before registration of the disputed domain name.

The Complainant contends that the disputed domain name reproduces its OTSUKA Trademark so that the disputed domain name is identical or highly similar to its OTSUKA Trademark for the purpose of the Policy.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. In this regard the Complainant states (cumulatively) that:

- (a) the Complainant has conducted searches and found no OTSUKA trademark registered by the Respondent;
- (b) the Complainant has found no evidence that the Respondent is known by the disputed domain name or that the Respondent is commonly known by the disputed domain name as an individual, business or other organization;
- (c) the Complainant has not granted any license or authorization to the Respondent to use its OTSUKA Trademark;
- (d) the Respondent has not, before the original filing date of the Complaint, used or made preparations to use the disputed domain name in relation to a bona fide offering of goods or services; and
- (e) the Complainant's adoption and use of its OTSUKA Trademark "predates by far" the registration of the disputed domain name, so the burden is on the Respondent to establish rights or legitimate interests.

The Complainant states that the disputed domain name has been registered in bad faith. The Complainant submits that it is inconceivable that the Respondent ignored or was unaware of the Complainant's earlier rights to the OTSUKA Trademark at the date of registration. The Complainant claims a long-established reputation in its OTSUKA Trademark from 1964 and points to worldwide sales in 2025 of USD 10.8 billion / EUR 9.2 billion. The Complainant points to the fact that its OTSUKA products are distributed throughout "dozens of thousands of points of sales in the world" including major retail chains in the United States of

America. The Complainant states that in any event a quick trademark search would have revealed to the Respondent the existence of the Complainant's OTSUKA Trademark.

The Complainant claims that it was highly likely that the Respondent chose the disputed domain name because of its identity to the Complainant's OTSUKA Trademark so that Internet users searching for the Complainant's website would come across the Respondent's domain name and website located there.

As to use, the Complainant submits that the Respondent's use "is not in good faith" i.e. amounts to bad faith use. The disputed domain name prevents the Complainant from reflecting its OTSUKA Trademark in the corresponding domain name.

Further, the Complainant asserts that use of the disputed domain name in connection with a website impersonating the Complainant is not good faith use. In this regard the Complainant relies on the fact that the hosting provider's actions in responding to a Notice of Takedown removed the Respondent's content and that this establishes bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **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 of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark (the OTSUKA Trademark) for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the OTSUKA Trademark 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.

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 finds that the disputed domain name has been registered in bad faith for the following reasons:

- (a) the Complainant has demonstrated its rights in the OTSUKA Trademark and that its trademark had a reputation well prior to the registration of the disputed domain name on April 1, 2026. The Complainant's trademark registration, its use of the mark well pre-date the registration of the disputed domain name. The Complainant was founded in 1964;
- (b) the Panel finds that the Respondent knew of the Complainant's OTSUKA Trademark. This is confirmed by the landing page created by the Respondent at the disputed domain name (upon registration) which discusses the Complainant's business and team and, as the Complainant states, highly resembles its official OTUSKA website and reproduces its OTSUKA Trademark in relation to pharmaceutical products and services; and
- (c) even if the Respondent did not know of the Complainant's OTSUKA Trademark (which is not accepted as plausible by the Panel) any good faith search of the Internet before registration of the disputed domain name would have revealed to the Respondent the Complainant's trademark and its existing use.

The Panel is also satisfied that the Respondent has used the disputed domain name in bad faith for the following reasons:

- (a) the landing page created by the Respondent at the disputed domain name discusses the Complainant's business and team, reproduces the Complainant's OTSUKA Trademark in relation to pharmaceutical products and services, and contains a copyright notice with the Complainant's company name "2026 Otsuka Pharmaceutical [...]"; and
- (b) the Panel is entitled to draw and does draw adverse inferences from the failure of the Respondent to respond to the Complaint and the detailed allegations made.

The Panel therefore 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 <otsuka.tel> be transferred to the Complainant.

*/Andrew Brown K.C./*

**Andrew Brown K.C.**

Sole Panelist

Date: June 9, 2026