

ADMINISTRATIVE PANEL DECISION

Kinokuniya Book Stores of America Company Limited v. Javier Martin
Case No. D2026-2067

1. The Parties

The Complainant is Kinokuniya Book Stores of America Company Limited, United States of America ("United States"), represented by Squire Patton Boggs (US) LLP, United States.

The Respondent is Javier Martin, Philippines.

2. The Domain Name and Registrar

The disputed domain name <usakinokuniya.com> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 13, 2026. On May 15, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 18, 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 (Anonymous, Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 19, 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 May 19, 2026.

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, and the proceedings commenced on May 21, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 10, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 11, 2026.

The Center appointed Pablo A. Palazzi as the sole panelist in this matter on June 11, 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 Kinokuniya Book Stores of America Company Limited, a company organized under the laws of the United States. The Complainant is the United States affiliate of a Japanese bookstore chain founded in Japan in 1927. The Complainant is a prominent retailer of books, stationery, and Japanese cultural goods, with its flagship store located at New York City. The Complainant operates multiple retail locations across the United States and maintains an established online presence at "<https://usa.kinokuniya.com/>".

The Complainant owns exclusive rights in the trademark KINOKUNIYA. This mark has been used extensively in commerce for decades in connection with the retail of books and cultural media.

The mark KINOKUNIYA was registered in the United States Patent and trademark office (Registration number 3802710, registered on June 15, 2010) under class 35 covering "Retail bookstore services featuring books, magazines, newspapers, stationery, sundries, software, games, pre-recorded music on CD and cassette, general giftware items, food and beverages; and on-line retail bookstore services, featuring books, magazines, software and general giftware items."

The disputed domain name was registered on May 6, 2025. According to the evidence provided by the Complainant, the disputed domain name resolved to a parking website that contained the legend "Launching Soon". The disputed domain name is currently inactive.

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. The Complainant declares that its first use of the KINOKUNIYA mark was in 1927, and Complainant has continuously used the KINOKUNIYA mark in commerce since at least 1969. In particular, the Complainant asserts that the disputed domain name has been used to create an email address connected to the disputed domain name to send unsolicited emails to the public and requesting "payment of fees up to \$20,000". The Complainant also states that the "Respondent contacted one of Complainant's authors by telephone, falsely claiming to be a buyer affiliated with Complainant".

B. Respondent

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

Prior to the filing of the Complaint, the Complainant sent a cease-and-desist letter to the email address associated with the disputed domain name which apparently was used to send fraudulent emails. On July 18, 2025, the Complainant received a reply from this email address, indicating "the domain in question will be deactivated, and I am taking steps to ensure compliance with your requests. You will receive a formal confirmation of this action, as well as any relevant documentation, by or before the stated deadline of July 24, 2025. In the meantime, please feel free to provide any additional documentation or instructions that may assist in completing this transition smoothly". On July 19, 2026, the Complainant sent a Settlement and Domain Name Transfer Agreement to this email address and no reply was received afterwards.

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 or service mark 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 confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of the term "usa" (reference to the United States of America) may bear on assessment on 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 3.1](#), section 1.8.

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.

Panels have held that the use of a domain name for illegal activity like impersonation or fraud can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

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 finds as follows:

- The Complainant has established longstanding rights in the KINOKUNIYA mark, having first used it in 1927 and maintained continuous commercial use since at least 1969. This predates the Respondent's registration of the disputed domain name by about 56 years.
- The disputed domain name incorporates the Complainant's distinctive trademark in its entirety, merely adding the geographic term "usa". This construction creates a significant risk of consumer confusion, particularly as the Complainant legitimately maintains an established United States digital presence via the subdomain <usa.kinokuniya.com>.
- The Respondent registered the disputed domain name on May 6, 2025, with the manifest intent to impersonate the Complainant and deceive the public. The Complaint asserts that the Respondent has utilized an email address associated with the disputed domain name to disseminate fraudulent solicitations and engage in phishing activities, to which has not been objected by the Respondent. Furthermore, despite being contacted by the Complainant and given the opportunity to resolve the matter, the Respondent has continued to send unauthorized communications to the Complainant's business associates. Panels have held that the use of a domain name for illegal activity as applicable to this case: phishing/identity theft and other types of fraud constitutes bad faith. [WIPO Overview 3.1](#), section 3.4.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes 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 <usakinokuniya.com> be transferred to the Complainant.

/Pablo A. Palazzi/

Pablo A. Palazzi

Sole Panelist

Date: June 19, 2026