ADMINISTRATIVE PANEL DECISION

Zoho Corporation Private Limited v. Tumek Zoran, zandt
Case No. D2026-3228

1. The Parties

Complainant is Zoho Corporation Private Limited, India, represented by Abion GmbH, Switzerland.

Respondent is Tumek Zoran, zandt, Montenegro.

2. The Domain Name and Registrar

The disputed domain name <zoho-books.net> (the "Domain Name") is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 22, 2026. On July 23, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On July 24, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (REDACTED FOR PRIVACY, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on July 24, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on July 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 Respondent of the Complaint, and the proceedings commenced on August 4, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 24, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on August 25, 2026.

The Center appointed Dinant T. L. Oosterbaan as the sole panelist in this matter on September 3, 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 information provided in the Complaint, Complainant is a leading technology company with over 130 million users around the world that provides global cloud-based software. It has more than 18,000 employees working in more than 30 offices across 24 different jurisdictions, including Germany, India, the Netherlands, Singapore, the United Kingdom, the United States of America, and China. Complainant also provides cloud-based accounting software and financial management services for small business commonly referred to as "Zoho Books" since 2011.

Complainant or its affiliates own multiple trademarks for ZOHO in different jurisdictions throughout the world, including the following:
- United States Trademark Registration No. 3260807, ZOHO, registration date July 10, 2007; and
- European Union Trademark No. 018721836, ZOHO, registration date November 2, 2022.

In addition, Complainant owns and operates numerous domain names incorporating its ZOHO trademark, including <zoho.com>, which was registered on January 16, 2004 and resolves to its official website, and the domain name <zohobooks.com> registered on November 14, 2006. Complainant also actively uses the subdomain <books.zoho.eu> to redirect users to a login page for "Zoho Books" services.

The Domain Name was registered on May 22, 2026.

The Domain Name at the time of the Decision does not resolve to an active website. Previously the Domain Name resolved to an active website that prominently displayed Complainant's ZOHO trademark and branding, purported to offer Complainant's services for "Zoho Books", and featured login and registration sections.

The trademark registrations of Complainant were issued prior to the registration of the Domain Name.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Notably, Complainant contends that the Domain Name is confusingly similar to its ZOHO trademark. The Domain Name incorporates Complainant's registered trademark ZOHO followed by the relevant term "books", divided by a hyphen. The ZOHO trademark is clearly recognizable in the Domain Name.

Complainant submits that Respondent has no rights or legitimate interests in respect of the Domain Name. Complainant and Respondent never had any previous relationships, nor has Complainant ever granted Respondent any rights to use Complainant's trademark ZOHO, including in the Domain Name. Moreover, there is no evidence that Respondent is known by the Domain Name or owns any corresponding registered trademarks. Complainant submits that the Domain Name resolved to an active website that prominently displayed Complainant's ZOHO wordmark and the "Zoho Books" logo. The website also featured login and registration sections, together with calls to action such as "Start My Free Trial" and "Request a Demo".

According to Complainant, this constitutes a clear attempt to impersonate Complainant. The overall presentation of the website falsely suggested that it was owned, operated, endorsed, or otherwise authorized by Complainant, thereby creating a misleading impression of affiliation with Complainant. Such use cannot constitute a bona fide offering of goods or services, nor a legitimate non-commercial or fair use of the Domain Name. Rather, Respondent intentionally sought to create a misleading association with Complainant, thereby demonstrating that it has no rights or legitimate interests in the Domain Name.

Complainant submits that panels have recognized that resellers, distributors, or service providers may, in certain circumstances, establish rights or legitimate interests in a domain name incorporating a complainant's trademark where the domain name is used in connection with a bona fide offering of goods or services related to the complainant's products. This principle is commonly referred to as the "Oki Data test" laid down in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903, under which certain cumulative requirements must be satisfied. According to Complainant in the present case, Respondent fails to satisfy these requirements. In particular, the website to which the Domain Name resolved did not contain any clear or prominent disclosure of the relationship between Complainant and Respondent. Instead, the website was designed in a manner that created the false impression that it was an official website of, or otherwise affiliated with, Complainant, when no such relationship existed. Accordingly, Respondent cannot rely on the "Oki Data test", and the use of the Domain Name does not constitute a bona fide offering of goods or services or otherwise establish rights or legitimate interests.

Complainant submits that the Domain Name was registered and is being used in bad faith.
The structure of the Domain Name incorporating Complainant's registered well-known trademark ZOHO in its entirety followed by the relevant term "books" for the same services i.e. cloud-based accounting software, reflects Respondent's intention to create an association, and a subsequent likelihood of confusion, in Internet users' mind. It is inconceivable that Respondent registered the Domain Name without prior knowledge of Complainant's well-known ZOHO trademark nor without intent to target it.

According to Complainant, the prominent display of Complainant's figurative trademarks and official "Zoho Books" logo, together with the deliberate replication of the look and feel of Complainant's official website, reinforced the false impression that Internet users were accessing legitimate services offered by Complainant. The inclusion of login and registration functionality significantly increased the likelihood of user confusion and exposed Internet users to the risk of phishing, financial fraud, and the unauthorized collection of personal, account, or payment information. The deceptive nature of the website therefore posed significant cybersecurity and consumer protection risks and constituted a deliberate attempt to impersonate Complainant. Under paragraph 4(b)(iv) of the Policy, the intentional attraction of Internet users for commercial gain by creating a likelihood of confusion with Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of a website constitute evidence of bad-faith registration and use. Furthermore, UDRP panels have consistently held that impersonation of a complainant amounts to per se evidence of bad faith use.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel to "decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable".

Paragraph 4(a) of the Policy requires that a complainant proves each of the following three elements to obtain an order that the disputed domain name should be transferred or cancelled:

(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.

The Panel will proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied in this proceeding.

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 Complainant's trademark and the Domain Name. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 1.7.

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 ZOHO mark is reproduced within the Domain Name. Accordingly, the Domain Name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

The Panel finds the addition of the term "books" and the addition of the hyphen between the trademark ZOHO and the term "books" does not prevent a finding of confusing similarity between the Domain Name and the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.8.

The generic Top-Level Domain ("gTLD") ".net" is viewed as a standard registration requirement and as such disregarded under the first element confusing similarity test. WIPO Overview 3.1, 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 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name. Respondent has not rebutted Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name such as those enumerated in the Policy or otherwise.

The Panel notes that Complainant has not licensed or otherwise permitted Respondent to use any of its trademarks or to register the Domain Name incorporating its trademarks.

Based on the undisputed submission and evidence provided by Complainant, the Domain Name resolved to a website imitating the look and feel of the website of Complainant and providing login and registration functionality. Panels have held that the use of a domain name for illegal activity such as impersonation/passing off can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

Moreover, the composition of the Domain Name together with the construction of the website under the Domain Name are misleading and carry the risk of implied affiliation, which does not provide any indication as to how Respondent could possibly be seen as making a bona fide use of the Domain Name. Respondent is not making a legitimate noncommercial or fair use of the Domain Names, without intent for commercial gain to misleadingly divert Internet users or to tarnish the trademarks of Complainant. Respondent is also not commonly known by the Domain Name, nor has it acquired any trademark or service mark rights.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel finds that the Domain Name has been registered and is being used in bad faith.

The ZOHO trademarks of Complainant have been in operation for some time. The Panel notes that Complainant's registration of its trademarks predates the registration date of the Domain Name. Respondent knew or should have known that the Domain Name included the entirety of the ZOHO trademark. The construction of the website under the Domain Name including the term "books" referring to the "Zoho Books" application of Complainant indicates that when registering the Domain Name, Respondent was familiar with Complainant and its trademarks.

The Panel notes that Respondent's use of the Domain Name as discussed above demonstrates that Respondent registered the Domain Name with the intention to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the trademarks of Complainant as to the source, sponsorship, affiliation, or endorsement of its website or location or of a service on its website or location, which constitutes registration and use in bad faith as provided under paragraph 4(b)(iv) of the Policy.
The current non-use of the Domain Name does not prevent a finding of bad faith in the circumstances of this case.

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 Domain Name, <zoho-books.net>, be transferred to Complainant.

/Dinant T. L. Oosterbaan/
Dinant T. L. Oosterbaan
Sole Panelist
Date: September 15, 2026