ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
TOYOTOMI EUROPE SALES B.V. v. Joyca van Steen, Mode By Joy
Case No. D2026-3475

1. The Parties

Complainant is TOYOTOMI EUROPE SALES B.V., Netherlands (Kingdom of the), represented by HEUKING, Germany.

Respondent is Joyca van Steen, Mode By Joy, Netherlands (Kingdom of the), represented by Lawfox Advocaten, Netherlands (Kingdom of the).

2. The Domain Name and Registrar

The disputed domain name <zibroonline.com> (the "Domain Name") 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 August 5, 2026. On August 5, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On August 6, 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 (Domains by Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on August 10, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on August 10, 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 Respondent of the Complaint, and the proceedings commenced on August 13, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 2, 2026. On September 2, 2026, Respondent requested the automatic Response extension, and the Response due date was extended accordingly to September 6, 2026. The Response was filed with the Center on September 6, 2026. On September 8, 2026, Complainant submitted unsolicited supplemental filings and Respondent replied to Complainant's supplemental filings on September 9, 2026.

The Center appointed Dinant T. L. Oosterbaan as the sole panelist in this matter on September 15, 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

Complainant is a manufacturer and distributer of heating, cooling and air treatment solutions.

Complainant owns several trademarks for ZIBRO including the following:
- European Union Trade Mark No. 016003832 ZIBRO (word), registration date November 21, 2022;
- European Union Trade Mark No. 016003865 ZIBRO (figurative), registration date December 8, 2022.

The Domain Name was registered on December 22, 2022.

The Domain Name resolves to a website, either directly or through a redirect to another website, that offers Zibro heating equipment, stove fuel, parts, and accessories.

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 trademarks. Respondent's Domain Name incorporates the word element of the trademarks ZIBRO in its entirety, followed by the element "online" which merely describes the online presence of the domain owner/website operator and indicates to the user that they can purchase the goods designated with the ZIBRO brand at this online presence.

Complainant submits that Respondent has no rights or legitimate interests in the Domain Name. There is no indication that Respondent has been commonly known under the Domain Name. ZIBRO is a trademark protected term for the goods of Complainant and not a term associated with the (retail) services offered by Respondent. Furthermore, the website under the Domain Name is operated by a company called Shops4u, which company was registered on January 20, 2025.

According to Complainant a bona fide offering is only given if the following conditions are satisfied:

(1) Respondent must actually be offering the goods or services at issue; (2) Respondent must use the site to sell only the trademarked goods (otherwise, there is the possibility that Respondent is using the trademark in a domain name to bait consumers and then switch them to other goods); (3) the site itself must accurately disclose Respondent's relationship with the trademark owner; and (4) Respondent must not try to "corner

the market" in all relevant domain names, thus depriving the trademark owner of the ability to reflect its own mark in a domain name; see *Oki Data Americas, Inc. v. ASD, Inc.,* WIPO Case No. D2001-0903. Complainant submits that by using the Domain Name <zibroonline.com> and the get up of the website which is characterized by the use of the logo and wording "zibroonline" Respondent falsely pretends to be the official online store for the ZIBRO-branded heaters and thus to either be the original manufacturer or at least to be the officially appointed online store, and thus contractually or otherwise connected to Complainant.

However, Respondent and the website operator have no relationship whatsoever with Complainant and Respondent is thus in no way connected to Complainant. After all, the misleading use of the Domain Name under the pretention to be closely connected with Complainant (= the trademark owner) cannot be considered a use of the Domain Name with a bona fide offering of goods.

Finally, Complainant asserts that Respondent is giving the false impression of being the official online dealer for Complainant's trademarked product. Respondent is acting for its own commercial gain, misleadingly diverting Internet users. By doing so, there is no legitimate noncommercial or fair use of the Domain Name.

Complainant submits that the Domain Name was registered and is being used in bad faith. Respondent knew about Complainant's trademark. Not only is he actively promoting Complainant's goods which are branded with Complainant's trademarks ZIBRO, from which he intentionally derived the Domain Name. But Respondent also publishes on his own website an article from the original manufacturer discussing the name "zibro" under the heading "TOYOTOMI - manufacturer of zibro". Especially by claiming this connection to Complainant Respondent shows that he is not only aware of the ZIBRO trademarks of Complainant but also knew (and intended) that the Domain Name would (and should) attract Internet users in a manner that is likely to create confusion for such users. Respondent therefore acted in bad faith.

B. Respondent

Respondent contends that Complainant has not satisfied all three of the elements required under the Policy for a transfer of the Domain Name.

Respondent agrees that the Domain Name is similar to Complainant's ZIBRO mark.

Respondent submits that it has rights or legitimate interests in the Domain Name. According to Respondent the Domain Name was registered in December 2022 and is held by Respondent. The commercial activities conducted through <zibroonline.com> are currently carried out by Marc van Steen through his sole proprietorship, Shops4u. Before Marc van Steen established a business under his own name, the webshop was formally commercialized through Joyca van Steen's sole proprietorship. Respondent submits that every single heating product offered and sold on the website under the Domain Name was and is a genuine Zibro product manufactured by Toyotomi Co., Ltd. and distributed in Europe by Complainant. Respondent sources these genuine products legally through authorized wholesale distribution channels in the European Union. Respondent submitted as proof invoices of the official distributor of Complainant.

According to Respondent under the well-established "Oki Data" test (*Oki Data Americas, Inc. v. ASD, Inc*., WIPO Case No. D2001-0903), independent resellers of genuine trademarked goods have a legitimate interest in using a domain name containing the trademark if they meet the following criteria:

a. Actual offering of goods: Respondent actually offers and sells the genuine trademarked goods. The screenshots provided by Complainant (Annex 5) clearly show that the website "www.zibroonline.com" is a fully operational e-commerce store selling genuine Zibro stoves.

b. Focus on Trademarked Goods and Compatible Consumables: the website's commercial offering is strictly focused on genuine Zibro stoves and their directly associated operating accessories, original spare parts, and compatible specialized heating fuel (such as Firelux). Under established UDRP precedent, the offering of directly compatible consumables and peripheral accessories that are functionally required to operate the primary trademarked goods does not defeat a finding of a bona fide offering under the Oki Data test. This is

particularly true where, as here, there is absolutely no “bait-and-switch” marketing. Respondent does not offer or promote any competing brands of stoves, ensuring that the Internet traffic is not diverted to competitor products, and that the website has always been and remains entirely dedicated to servicing owners and buyers of genuine Zibro products.

c. Accurate disclosure of relationship: the website accurately discloses the operator’s identity. The “Garantie” and contact page clearly identify the business as “Shops4u” / “ZibroOnline”, a registered Dutch sole proprietorship, listing its Chamber of Commerce (KvK) number 96189460, VAT number, and physical address. There is no claim that the site is the “official” manufacturer. In addition, the blog article “Zibro wordt Toyotomi: Het Verhaal Achter de Naamswijziging” (Zibro becomes Toyotomi) explicitly explains to consumers that Toyotomi is the original Japanese manufacturer of Zibro heaters and that the brand name is transitioning. This educational article prevents confusion rather than causing it.

d. No cornering of the market: Respondent has not registered a multitude of confusingly similar domains. Respondent registered only <zibroonline.com> to host its local bona fide e-commerce store.

Respondent adds that Complainant benefits directly from Respondent’s retail activities, as Respondent purchases and resells Complainant’s manufactured products. It is commercially contradictory for a manufacturer to claim that a retailer dedicating its business to selling the manufacturer’s own genuine goods lacks a legitimate interest in describing its online store.

Respondent submits that Complainant has failed to establish that the Domain Name was both registered and is being used in bad faith.

No Bad Faith Registration: the Domain Name was registered in December 2022 for the sole purpose of establishing a legitimate e-commerce platform for genuine Zibro stoves and parts. The registration was made in good faith to facilitate the resale of original products in the Dutch and European markets, a right protected under the principle of trademark exhaustion (Article 15 EUTMR).

No Bad Faith Use: Under Policy paragraph 4(b)(iv), bad faith use requires that the respondent intentionally attempts to attract users by creating a likelihood of confusion for “commercial gain” in a misleading manner. Respondent’s use is entirely transparent: the site sells only genuine products, lists the official Dutch Chamber of Commerce registrations, and actively educates consumers about the manufacturer Toyotomi and its name transition. This is the antithesis of bad faith. Selling a manufacturer’s own original products cannot be considered disruptive or harmful under the UDRP.

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.

A. Supplemental filings

On September 8, 2026, Complainant submitted unsolicited supplemental filings. Respondent replied to Complainant's supplemental filings on September 9, 2026 and objected to Complainant's unsolicited supplemental filings.

The Panel decides not to accept both supplemental filings.

Complainant's supplemental filing is a reaction to and an interpretation of Respondent's Response. Complainant failed to clearly show its relevance to the case and why it was unable to provide the information contained therein in its Complaint (e.g., owing to some "unforeseen or exceptional" circumstance). WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.6. In any event, the Panel notes that the content of the supplemental filings would not impact the outcome of the proceeding.

B. 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.

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 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.

Although the addition of other terms here, "online", may bear on assessment of the second and third elements, the Panel finds the addition of such term 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 Panel finds the first element of the Policy has been established.

C. 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.

Even where a domain name consists of a trademark plus an additional term (at the second- or top-level), UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. WIPO Overview 3.1, section 2.5.1.

The Panel notes that the website under the Domain Name, also applicable if the Domain Name redirects to another website, contains many times the mark ZIBRO with the term "online". Terms with an "inherent Internet connotation" (e.g. <trademark.online>) are seen as tending to suggest sponsorship or endorsement by the trademark owner. WIPO Overview 3.1, section 2.5.1. However, Complainant has stated that Respondent and the website operator Shops4u have no relationship whatsoever with Complainant and are thus in no way connected to Complainant.

The Panel notes that under the UDRP a reseller or distributor can be making a bona fide offering of goods and services and thus have a legitimate interest in the domain name at issue if certain requirements are met. Panels use the list of factors set out in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903 ("the Oki Data criteria"). WIPO Overview 3.1, section 2.8.

It is also precedent that the Oki Data criteria and considerations may be equally applicable to circumstances such as those in which a person is offering genuine goods of a trademark owner, or services related to those goods, but is not an authorized reseller or in an authorized relationship with the trademark owner as such.

For a respondent to be successful under the Oki Data criteria it must meet each of the following criteria:

a. respondent must actually be offering the goods or services at issue;

b. respondent must use the site to sell only the trademarked goods;

c. the site must accurately and prominently disclose the registrant's relationship with the trademark holder; and

d. respondent must not try to "corner the market" in domain names that reflect the trademark.

In the view of the Panel, Respondent fails to meet the Oki Data criteria.

The Panel notes in this respect that the website under the Domain Name does not prominently and accurately disclose the operator's identity, but only very indirectly identifies the operator of the website.

The argument of Respondent that on the contact page of the website at the Domain Name the KvK (Trade Register) number is mentioned, is not conclusive as a number is not a trade name or clear identity (without further research). The same is true for the VAT number and the physical address, as mentioned by Respondent. Only in the "Garantie" ("warranty") part of the website the name Shops4u appears.

Moreover, the Panel notes that the website under the Domain Name does not accurately disclose the relationship between the registrant and the trademark owner, as required according to criteria of Oki Data.

The fact that Complainant produced as annex 7 the article "Zibro becomes Toyotomi: The Story Behind the Name Change" is completely irrelevant for the argument of Respondent that the article prevents confusion as also it does not demonstrate anything about any relationship between Respondent and Complainant.

The Panel concludes that the website in general and in particular the "contact" part of the website do not accurately and prominently disclose any relationship between Respondent as the registrant of the Domain Name, and/or the operator of the website, with Complainant as the owner of the ZIBRO trademarks.

Rather, the Panel notes the color scheme and "zibroonline" logo used by Respondent closely resemble Complainant's own branding, and appear intended to suggest a connection with Complainant. In addition, as discussed above, the composition of the Domain Name itself suggests a connection to Complainant.

Taking all these circumstances into account, Respondent's stated reselling purpose does not support a finding of rights or legitimate interests in this case.

Furthermore, on the basis of the record, the Panel finds that Respondent is not commonly known by the Domain Name and has not acquired trademark rights corresponding to the Domain Name.

The commercial argument of Respondent that Complainant benefits directly from Respondent's retail activities, as Respondent purchases and resells Complainant's manufactured products, for all practical purposes reinforces the fact that Respondent unjustly benefits from a suggestion of sponsorship or endorsement of its website by Complainant.

In view of the foregoing, the Panel holds that Respondent has not established rights to or legitimate interests in the Domain Name.

D. Registered and Used in Bad Faith

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

The ZIBRO 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 ZIBRO trademark. The construction of the website under the Domain Name referring to Complainant's Zibro products indicates that when registering the Domain Name, Respondent was fully 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. This also applies in the event that Respondent is only selling a manufacturer's own original products, as argued by Respondent. In particular, the Panel notes the choice of additional term to Complainant's trademark in the Domain Name, as well as the use of a similar color scheme and logo on the resolving website, which supports the finding that Respondent has unfairly traded off of Complainant and its trademark.

The Panel finally notes that Respondent has submitted an argument based upon article 15 of the EUTMR. The UDRP, the Rules, and the Supplemental Rules contain their own substantive and procedural rules on the basis of which the Panel has to decide, although the Panel has discretion to take into account any rules or principles of law that it deems applicable. Here, the Panel finds reliance on article 15 of the EUTMR is misplaced as the focus of UDRP analysis is on the Domain Name itself (rather than the trademarked good) and it does not provide a blanket defense to use a third party mark in a domain name, especially where, as here, such use is likely to create confusion.

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

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, <zibroonline.com>, be transferred to Complainant.

/Dinant T.L. Oosterbaan/
Dinant T.L. Oosterbaan
Sole Panelist
Date: September 29, 2026