

ADMINISTRATIVE PANEL DECISION

NIS America, Inc. v. Keith Morgan
Case No. D2026-3872

1. The Parties

1.1 The Complainant is NIS America, Inc., United States of America (“United States”), represented by Squire Patton Boggs (US) LLP, United States.

1.2 The Respondent is Keith Morgan, Russian Federation.

2. The Domain Name and Registrar

2.1 The disputed domain name <nisamericastore.shop> (the “Domain Name”) is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

3.1 The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 28, 2026. At that time, publicly available Whois details did not identify the underlying registrant of the Domain Name.

3.2 On August 31, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On September 1, 2026, the Registrar transmitted by email to the Center its verification response disclosing underlying registrant and contact information for the Domain Name. The Center sent an email to the Complainant on September 3, 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 September 8, 2026.

3.3 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”).

3.4 In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on September 14, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 4, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 8, 2026.

3.5 The Center appointed Matthew S. Harris as the sole panelist in this matter on October 13, 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

4.1 The Complainant is a corporation incorporated in California, United States, with its principal place of business in Santa Ana, California, United States. It was established in 2003 and is a subsidiary of Nippon Ichi Software, Inc. (“Nippon Ichi”), a Japanese video game developer and publisher. The Complainant localises, markets and publishes video games in North America, and also sells anime titles and merchandise.

4.2 The Complainant has traded under the name “NIS America” since its establishment. It has operated a website from the domain name <nisamerica.com>, which was registered on January 7, 2004, since at least 2004, and it operates an online store from the subdomain <store.nisamerica.com>. This online store offers for sale various video games, anime products and associated merchandise, and uses a logo comprising a stylised form of the letters “NIS” beside a blue badge bearing the words “Online Store”. The Complainant also promotes its products under the NIS America name through social media accounts, including on X, Instagram and YouTube, a number of which have tens of thousands of followers or subscribers, and its products have been the subject of coverage in third-party gaming and anime publications.

4.3 The Complainant is the owner of United States registered trade mark No. 6281437 for NEW GAME+ EXPO, filed on July 20, 2020, and registered on March 2, 2021, in class 41. Nippon Ichi is the owner of various registered trade marks for the names of video game titles, including DISGAEA. None of these marks incorporates the term “NIS America”.

4.4 The Domain Name was registered on April 19, 2026. As at early August 2026, the Domain Name resolved to a website with the page title “NIS America - NISA Online Store | NIS America”. It used the same logo as that used by the Complainant, comprising the stylised letters “NIS” and a blue badge bearing the words “Online Store”, and also offered for sale games, merchandise and anime. The website also displayed a footer with the text “© 2026 NIS America. All rights reserved.”

4.5 Despite the content offered on that website, the “About NIS America” page somewhat oddly stated that “NIS America is a premier online destination dedicated to curating high-quality, contemporary fashion”, and the home page contained text and purported customer testimonials referring to “premium apparel”, jackets and fabric. The “Contact Us” page also gave as its contact email address “[...]@nisamerica.com”, which is an email address of the Complainant that is listed in the policies published on the Complainant’s own online store.

4.6 The registrant details for the Domain Name disclosed by the Registrar give the registrant’s name as “Keith Morgan”, an email address with a free email provider, and a postal address that comprises a street address and postal code in New York, New York, United States, but with the country recorded as “RU” (i.e., the Russian Federation).

5. Parties’ Contentions

A. Complainant

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

5.2 The Complainant contends that it holds common law trade mark rights in NIS AMERICA by reason of its use of that term in commerce since 2003 or 2004, and that the Domain Name, which reproduces that mark in its entirety together with the term “store”, is confusingly similar to it. In support of its claims of unregistered trade mark rights, it provides evidence in the form of various advertisements and publications that pre-date the registration of the Domain Name. It also contends that the Domain Name is likely to be understood as referring to its own online store, which operates from <store.nisamerica.com>.

5.3 The Complainant contends that the Respondent has no rights or legitimate interests in the Domain Name, that it has not authorised the Respondent to use its mark, and that the Respondent is not commonly known by the Domain Name. It contends that on the website operating from the Domain Name, the Respondent misrepresents itself as being the Complainant. The Complainant also claims that the products offered from the website are not authentic, but does not further explain the basis for that contention.

5.4 The Complainant further contends that the Domain Name was registered and is being used in bad faith, in that the Respondent, with knowledge of the Complainant and its mark, has intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant’s mark, within the meaning of paragraph 4(b)(iv) of the Policy. It also contends that the registrant address disclosed by the Registrar is invalid or non-existent, since it identifies New York as the city while giving the Russian Federation as the country, and that this indicates an attempt to “avoid accountability” and supports a finding of bad faith.

B. Respondent

5.5 The Respondent did not reply to the Complainant’s contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

6.1 It is generally 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 trade mark and the Domain Name. WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”), section 1.7.

6.2 The Complainant does not rely upon any registered trade mark for the term “NIS America”, but on unregistered or common law rights in that term. Unregistered rights of this sort are sufficient to satisfy the first element where a complainant demonstrates that the claimed mark has become a distinctive identifier which consumers associate with its goods or services (see [WIPO Overview 3.1](#), section 1.3). The Panel is satisfied on the uncontested evidence before it that the Complainant has traded under the name “NIS America” for over 20 years, that it has used that name throughout that period in connection with the publication and sale of video games and related products, including from its website and online store, and that this use, together with the Complainant’s social media following and the third-party coverage of its products, is sufficient to have generated the necessary distinctiveness and association with the Complainant for the purposes of the Policy. The Complainant is also based in the United States, which recognises the existence of unregistered trade mark rights.

6.3 The Panel’s conclusion that the Complainant holds the necessary unregistered rights is reinforced by the manner in which the Respondent has used the Domain Name. As is discussed later on in this decision, the website operating from the Domain Name did not merely use the term “NIS America”, but specifically impersonated the Complainant and its online store. Such deliberate targeting of the Complainant would make little sense unless the name “NIS America” already possessed the kind of recognition as an identifier of the Complainant that was capable of being exploited in this way (see [WIPO Overview 3.1](#), section 1.3).

6.4 The Domain Name can only sensibly be read as the term “nis america”, followed by the word “store”, combined with the “.shop” generic Top-Level Domain. The Complainant’s mark is therefore reproduced in its entirety in the Domain Name and is clearly recognisable within it. The addition of the word “store” does not prevent a finding of confusing similarity (see [WIPO Overview 3.1](#), section 1.8). It follows that the Domain Name is confusingly similar to the Complainant’s mark for the purposes of the Policy (see [WIPO Overview 3.1](#), section 1.7).

6.5 The Panel, therefore, finds the first element of the Policy has been established.

B. Rights or Legitimate Interests, and Registered and Used in Bad Faith

6.6 It is usual for panels under the Policy to consider the issues of rights or legitimate interests, and registration and use in bad faith, in turn. However, in this case it is more convenient to consider those issues together (see [WIPO Overview 3.1](#), section 2.15).

6.7 The reason for this is that the Complainant’s case is, in substance, that the Domain Name was registered and has been used for a website that impersonates the Complainant’s own online store, and that offers for sale what purport to be the Complainant’s products to Internet users who are likely to believe that they are dealing with the Complainant. A respondent engaging in such activities has no right or legitimate interest in a domain name (see [WIPO Overview 3.1](#), sections 2.5 and 2.5.3), and in the opinion of the Panel such activities are positive evidence that no such right or legitimate interest exists. Further, the registration and use of a domain name for such a purpose is registration and use in bad faith, falling within the scope of the circumstances evidencing bad faith set out in paragraph 4(b)(iv) of the Policy (see also [WIPO Overview 3.1](#), section 3.1.4).

6.8 The Panel is satisfied that the allegation of impersonation is made out. First, the Domain Name itself, which combines the Complainant’s name with the word “store” and the “.shop” generic Top-Level Domain, is inherently likely to be understood as referring to an online store operated by the Complainant, and it closely corresponds to the subdomain <store.nisamerica.com> from which the Complainant’s actual online store operates (see [WIPO Overview 3.1](#), section 2.5.1). Second, the website operating from the Domain Name presented itself as that of the Complainant. It described itself as “NIS America”, used the logo used by the Complainant for its own online store, carried a copyright notice in the name of “NIS America”, and gave the Complainant’s own support email address as its contact address. The Panel accepts that Internet users visiting that website are likely to have understood it to be a website operated or authorised by the Complainant when it was not, and that the Respondent intended that it be so understood.

6.9 The Complainant also contends that the products offered from the website are not authentic. The Complainant has not provided any evidence in support of that contention and panels are rightly cautious about accepting allegations of counterfeiting that are merely conclusory or unsupported (see [WIPO Overview 3.1](#), section 2.13.2). Nevertheless, ultimately whether this is correct or not does not matter in this case, where the Panel is satisfied that the Respondent’s use of the Domain Name involves deliberate impersonation.

6.10 The Panel also accepts the Complainant’s contentions that the registrant address details for the Domain Name, comprising a New York street address in the Russian Federation, clearly do not comprise a real address, and that this is a further indicator of bad faith (see [WIPO Overview 3.1](#), sections 3.2.1 and 3.6).

6.11 The Panel, therefore, finds that each of the second and third elements of the Policy has been established.

7. Decision

7.1 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 <nisamericastore.shop> be transferred to the Complainant.

/Matthew S. Harris/

Matthew S. Harris

Sole Panelist

Date: October 13, 2026