

## ADMINISTRATIVE PANEL DECISION

Toyota Jidosha Kabushiki Kaisha, Toyota Motor Corporation Australia Limited  
v. Toyotaparts Recyclers Pty Ltd  
Case No. DAU2025-0054

### 1. The Parties

The Complainants are Toyota Jidosha Kabushiki Kaisha, Japan, and Toyota Motor Corporation Australia Limited, Australia, internally represented.

The Respondent is Toyotaparts Recyclers Pty Ltd, Australia.

### 2. The Domain Name and Registrar

The disputed domain name <toyotacarparts.com.au> (the “Disputed Domain Name”) is registered with Domain Directors Pty Ltd.

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 27, 2025. On November 28, 2025, the Center transmitted by email to Domain Directors Pty Ltd. a request for registrar verification in connection with the Disputed Domain Name. On December 10, 2025, Domain Directors Pty Ltd. transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. In response to a notification by the Center, the Complainant filed an amended Complaint modifying the requested remedy, on December 16, 2025.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the .au Dispute Resolution Policy (the “Policy” or “.auDRP”), the Rules for .au Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .au Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on December 16, 2025. In accordance with the Rules, paragraph 5(a), the due date for Response was January 5, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 7, 2026.

The Center appointed Nicholas Weston as the sole panelist in this matter on January 16, 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 First Complainant is a well-known Japanese multinational car company founded in 1937 and has been selling motor vehicles, parts and accessories in Australia since 1959. The Second Complainant is the First Complainant's Australian subsidiary. These entities are referred to in this decision, collectively, as "the Complainant".

The Complainant holds registrations for the trade mark TOYOTA and variations of it in more than 100 countries, including Australian Trade Mark No. 190366 for the (word) mark TOYOTA, registered on October 2, 1964, in class 12, and Australian Trade Mark No. 1984117 for the (word) mark TOYOTA Registered on March 28, 2018 in class 12..

The Complainant is also the owner of the domain name <toyota.com.au>, which hosts its main Australian website.

The Disputed Domain Name was registered on June 1, 2006. The Complainant has provided evidence that the Disputed Domain Name resolved for a period of time to a website offering Toyota parts at then subsequently was inactive. According to the evidence, when the website was active, it had amongst others the following headings: "Used Toyota Parts", "Reconditioned Toyota Parts", "Discount Original Parts", and "Discount Copy Parts".

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant cites its trade mark registrations of the trade mark TOYOTA in various jurisdictions, as *prima facie* evidence of ownership.

The Complainant submits that the mark TOYOTA is distinctive and that its rights in the mark predate the registration of the Disputed Domain Name. It submits that the Disputed Domain Name is confusingly similar to its trade mark TOYOTA, because the Disputed Domain Name "comprises the word "Toyota" with the addition of the descriptive words "carparts" (i.e. car parts)" and that any confusing similarity is not alleviated by the ".com.au" second level domain suffix.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because the Respondent has no trade mark rights in, license to use, or association with the TOYOTA mark. The Complainant contends that "[n]either Toyota Japan nor Toyota Australia have extended a license to use the Toyota Trade Marks in any capacity, or in any jurisdiction, to the Respondent". Further, the Complainant contends that the Respondent does not meet the minimum criteria to be satisfied before an unauthorised reseller's use of a domain name can be held to constitute a bona fide offering of goods or services under the Policy as set out in a case applied by numerous past auDRP (and UDRP) panels, *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) ("Oki Data")<sup>1</sup>.

Finally, the Complainant alleges that the registration and use of the Disputed Domain Name was, and currently is, in bad faith. On the issue of registration, the Complainant contends that "the Respondent had

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<sup>1</sup> Noting the substantial substantive similarities between the Policy and the Uniform Domain Name Dispute Resolution Policy ("UDRP"), Panels and parties commonly refer to prior UDRP cases and the Panel will refer to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), where appropriate.

actual or constructive knowledge of the Complainant's rights (or at least ought to have known) at the time they registered the Disputed Domain Name" and infers the Respondent has targeted the Complainant given it "has also incorporated the First Complainant's Trade Mark into the Disputed Domain Name."

On the issue of use, the Complainant has supplied evidence that the Disputed Domain Name resolved to a webpage that made "representations ... which purport to offer "new Toyota parts" at "discounted prices" and submits that "[s]uch representations, particularly when made in conjunction with the use of the Toyota Trade Mark, create a false and misleading impression that the Respondent was engaged in the sale of genuine Toyota parts and accessories, or was otherwise licensed or authorised by Toyota Australia". The Complainant contends that the Disputed Domain Name was subsequently inactive.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy provides that, for the Complainant to succeed, it has the burden of proving the following:

- (i) that the disputed domain name is identical or confusingly similar to a name, trade mark or service mark in which the complainant has rights; and
- (ii) that the respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered or subsequently used in bad faith.

### **A. Identical or Confusingly Similar**

The Complainant must first establish that the Disputed Domain Name is identical or confusingly similar to the Complainant's name, trade mark or service mark by demonstrating that it has rights in a trade mark at the date the Complaint was filed and, if that is the case, the Disputed Domain Name must also be identical or confusingly similar to the trade mark.

This Panel finds that the Complainant has rights in the TOYOTA trade mark acquired through use and registration.

Turning to whether the Disputed Domain Name is identical or confusingly similar to the TOYOTA trade mark, the Panel observes that the Disputed Domain Name comprises: (a) an exact reproduction of the Complainant's trade mark TOYOTA; (b) followed by the word "car"; (c) followed by the word "parts"; (d) followed by the Second-Level domain suffix ".com.au".

It is well established that the domain suffix used as technical part of a domain name may be disregarded (see: *BT Financial Group Pty Limited v. Basketball Times Pty Ltd*, WIPO Case No. [DAU2004-0001](#)). The comparison to be made is with the Second-Level portion of the Disputed Domain Name, specifically: "toyotacarparts".

It is also well established that, where a domain name incorporates a trade mark and a descriptive term, the domain name will normally be considered confusingly similar to that mark for purposes of auDRP standing.

Accordingly, the Panel finds that the Complainant has established the first element of paragraph 4(a) of the Policy.

## **B. Rights or Legitimate Interests**

The second requirement the Complainant must prove is that the Respondent has no rights or legitimate interests in the Disputed Domain Name. Paragraph 4(c) of the Policy provides a list of non-exhaustive circumstances any of which is sufficient to demonstrate that the Respondent has rights or legitimate interests in the Disputed Domain Name:

- (i) before any notice to the respondent of the dispute, the respondent's use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services; or
- (ii) the respondent (as an individual, business, or other organisation) has been commonly known by the disputed domain name even if the Respondent has acquired no trade mark or service mark rights; or
- (iii) the respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trade mark or service mark at issue.

The Complainant has not authorised, licensed, or permitted the Respondent to register or use the Disputed Domain Name or to use the TOYOTA trade mark. The Panel finds on the record that there is therefore a *prima facie* case that the Respondent has no rights or legitimate interests in the Disputed Domain Name, and the burden is thus on the Respondent to produce evidence to rebut this presumption, see: *GlobalCenter Pty Ltd v. Global Domain Hosting Pty Ltd*, WIPO Case No. [DAU2002-0001](#).

The Respondent has failed to submit a Response and so has not shown that it has acquired any trade mark rights in respect of the Disputed Domain Name or that the Disputed Domain Name is used in connection with a bona fide offering of goods or services. There is no evidence to suggest that the Respondent has rights or a legitimate interest in the Disputed Domain Name, and the evidence provided shows that the Disputed Domain Name resolved to webpage that offered for sale Toyota branded car parts. In the circumstances, such use does not amount to a bona fide offering of goods or services under the Policy. There has been no evidence adduced to show that the Respondent has been commonly known by the Disputed Domain Name, nor does any of the evidence demonstrate that the Respondent is making legitimate noncommercial or fair use of the Disputed Domain Name.

The Panel notes the Respondent's name being Toyotaparts Recyclers Pty Ltd does not give rise to any rights or legitimate interests to the Respondent in the Disputed Domain Name for the purposes of the Policy.

Most panelists generally accept that the minimum criteria to be satisfied before an unauthorised reseller's use of a domain name can be held to constitute a bona fide offering of goods or services under the Policy are set out in the Oki Data case, as follows:

- (i) the respondent must actually be offering the goods or services at issue;
- (ii) the respondent must offer only those goods or services in connection with the disputed domain name;
- (iii) the respondent must accurately disclose its true relationship with the trademark owner prior to notice of the dispute; and
- (iv) the respondent must not have attempted to "corner the market" in all relevant domain names that reflect the trade mark.

This Panel accepts the uncontested *prima facie* evidence that the Respondent is not an authorized reseller with a legitimate interest in a domain name incorporating the Complainant's mark, and there was no disclaimer on the website the Disputed Domain Name previously resolved to before it became inactive, or even any statement from which that relationship, or the absence of one, might be reasonably inferred. The

Panel therefore finds that, while the Respondent satisfied the first, second and fourth tests in Oki Data, it failed to satisfy the third test in these 'minimum' requirements. The Respondent has used the Disputed Domain Name to promote the sale of TOYOTA products but also has registered the main country code Top-Level Domain for the trade mark, and has failed to disclose its true relationship with the Complainant as an unauthorized dealer or reseller. The Respondent cannot, therefore, meet the Oki Data criteria (see: *Ford Motor Company of Australia Ltd. / Ford Motor Company of Canada, Ltd. / Ford Motor Company v. E.K.W. Auto Parts Recyclers Pty. Ltd., Munum Pty Ltd / Fordparts Recyclers Pty. Ltd.*, WIPO Case No. [DAU2018-0034](#); *Jaguar Land Rover Limited v. Hondwreck Pty. Ltd.*, WIPO Case No. [DAU2017-0017](#)).

The evidence is that the Disputed Domain Name subsequently resolved to an inactive webpage. In the circumstances, such use does not amount to a bona fide offering of goods or services under the Policy either.

In the absence of a Response, the Panel finds that the Complainant has prior rights in the TOYOTA trade mark which precede the Respondent's registration of the Disputed Domain Name by at least 50 years. Further, the Disputed Domain Name is confusingly similar to the Complainant's trade mark, there is an absence of any relationship between the Respondent and the Complainant, and a risk of implied false affiliation of the Respondent with the Complainant. The Panel finds the Respondent's use of the Disputed Domain Name is neither a bona fide use nor a legitimate non-commercial or fair use.

The Panel therefore finds that the Complaint fulfils the second condition in paragraph 4(a)(ii) of the Policy.

### **C. Registered or Subsequently Used in Bad Faith**

Under paragraph 4(a)(iii) of the Policy the Complainant must demonstrate that the Respondent has registered or used the Disputed Domain Name in bad faith. Unlike the position under the UDRP, this is not a conjunctive requirement. It is sufficient to establish only one or the other.

Applying the Policy, evidence of use in bad faith will be shown under paragraph 4(b)(iv) of the Policy where by using the domain name, a respondent has intentionally attempted to attract, for commercial gain, Internet users to a website or other online location, by creating a likelihood of confusion with the complainant's name or mark as to the source, sponsorship, affiliation, or endorsement of that website or location or of a product or service on that website or location. The circumstances identified in paragraph 4(b) of the Policy, however, are examples of registration or use in bad faith and not an exhaustive listing of such circumstances.

On the issue of registration, the Panel finds that the Respondent targeted the relevant trade mark. The Panel finds that the Respondent has taken the Complainant's trade mark and incorporated it into the Disputed Domain Name without the Complainant's consent or authorization, for the very purpose of capitalizing on the reputation of the trade mark by diverting Internet users to its webpage, presumably to generate revenue.

On the issue of use, the evidence is that the Disputed Domain Name resolved to a webpage that offered Toyota car parts for sale in Australia, then was subsequently inactive. This Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its webpage by creating a likelihood of confusion with the Complainant's name or mark as to the source, sponsorship, affiliation, or endorsement of that website or of a product or service on that website contrary to paragraph 4(b)(iv) of the Policy.

Subsequently, the Disputed Domain Name was no longer used and is currently inactive. Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel finds the non-use of the Disputed Domain Name does not prevent a finding of bad faith in the circumstances of this proceeding. Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated

good-faith use, and (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement). [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark, the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good faith use. Therefore, the Panel finds that in the circumstances of this case the passive holding of the Disputed Domain Name does not prevent a finding of bad faith under the Policy.

Accordingly, the Panel finds that the Complainant has satisfied the requirements of paragraph 4(a)(iii) of the Policy.

## 7. Decision

For all 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 <toyotacarparts.com.au> be transferred to the Complainant.

*/Nicholas Weston/*

**Nicholas Weston**

Sole Panelist

Date: January 18, 2026