

## **PANEL DECISION**

Mariana Leite Baptista HIME v. Luc BIGGS, Key Domains Unipessoal Lda  
Case No. DEU2025-0019

### **1. The Parties**

The Complainant is Mariana Leite Baptista Hime of Brazil.

The Respondent is Luc BIGGS, Key Domains Unipessoal Lda of Portugal.

### **2. The Domain Name, Registry and Registrar**

The Registry of the disputed domain name <hime.eu> is the European Registry for Internet Domains ("EURid" or the "Registry").

The Registrar of the disputed domain name is NETIM.

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 20, 2025. On July 21, 2025, the Center transmitted by email to the Registry a request for registrar verification in connection with the disputed domain name. On July 22, 2025, the Registry transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the .eu Alternative Dispute Resolution Rules (the "ADR Rules") and the World Intellectual Property Organization Supplemental Rules for .eu Alternative Dispute Resolution Rules (the "Supplemental Rules").

In accordance with the ADR Rules, Paragraph B(2), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on July 23, 2025. In accordance with the ADR Rules, Paragraph B(3)(a), the due date for Response was August 12, 2025. The Response was filed with the Center on July 23, 2025. In response to a notification by the Center that the Response was administratively deficient, the Respondent filed an amended Response on July 30, 2025.

The Center verified that the Response together with the amended Response satisfied the formal requirements of the ADR Rules and the Supplemental Rules.

The Center appointed Nick J. Gardner as the sole panelist in this matter on August 19, 2025. 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 ADR Rules, Paragraph B(5).

#### **4. Factual Background**

The Complainant is a Portuguese citizen residing in Brazil whose family name is “Hime”.

The Respondent is a Portuguese company that focuses on the registration and resale of domain names as part of its business model.

The disputed domain name was registered on October 30, 2021.

At the time of submission of the Complaint, the disputed domain name was offered for sale via the website “sedo.com” with advertising indicating it was available for purchase and with a “buy now” price of EUR 9999 being shown.

#### **5. Parties’ Contentions**

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

The Complainant asserts rights in her family name, Hime, pursuant to Article 72, item 1 of the Portuguese Civil Code, which states:

“Everyone has the right to use his or her name, whether full or abbreviated, and to object to others using it unlawfully for identification or other purposes.”

The Complainant submits that the disputed domain name is identical to her family name.

The Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name, arguing that the only use the Respondent has made of the disputed domain name is to advertise it for sale, which does not fulfill the requirements for legitimate interests under ADR Rules, Paragraph B(11)(e).

The Complainant asserts that the disputed domain name was registered or is being used in bad faith under three theories: (i) registration primarily for the purpose of selling to the holder of a recognized name right (ADR Rules B(11)(f)(1)); (ii) registration to prevent the holder of a recognized name right from reflecting this name in a corresponding domain name, with non-use for at least two years (ADR Rules B(11)(f)(2)(ii)); and (iii) registration of a personal name for which no demonstrable link exists between the Respondent and the domain name (ADR Rules B(11)(f)(5)).

The Complainant requests transfer of the disputed domain name.

##### **B. Respondent**

The Respondent submits that the disputed domain name was selected primarily because “hime” (姫) is the common Japanese word for “princess”, broadly used in pop-culture (e.g., hime cut hairstyle, Hime Gyarū fashion) and in commerce. The Respondent explains that this selection was based on the term’s universal meaning and obvious potential for fashion, cosmetics, anime, J-culture, tourism, or lifestyle brands aimed at Europe’s sizeable Japan-enthusiast community.

The Respondent asserts that it has been engaged since 2016 in the lawful business of acquiring, developing, and re-selling generic, descriptive, and brandable Internet domain names, including domains like <nano.ai> and <cloudpay.eu>. The Respondent argues that domain trading is recognized worldwide under both the UDRP and the ADR Rules as a legitimate business model when the names are generic.

The Respondent submits that it has legitimate interests in the disputed domain name, arguing that acquiring a descriptive domain name as part of a bona fide investment portfolio and offering it for sale on the open market constitutes a legitimate interest, particularly where the domain name is a dictionary term with transparent usage.

The Respondent denies bad faith registration or use, asserting that it has never contacted the Complainant, targeted her surname, or attempted to exploit her reputation. The Respondent notes that the Complainant first approached the Respondent only through this ADR Complaint, almost four years after registration. The Respondent argues that merely offering a domain name for sale is commercially normal and does not indicate bad faith.

The Respondent requests dismissal of the Complaint and requests a finding of reverse domain name hijacking.

## **6. Discussion and Findings**

Pursuant to paragraph B11(d)(1) of the ADR Rules, the Complainant is required to demonstrate that:

- (i) The disputed domain name is identical or confusingly similar to a name in respect of which a right is recognized or established by the national law of a Member State and/or European Union law and; either
- (ii) The domain name has been registered by the Respondent without rights or legitimate interest in the name; or
- (iii) The domain name has been registered or is being used in bad faith.

### **A. Identical or Confusingly Similar to a name in respect of which a right or rights are recognized or established by national law of a Member State and/or European Union law**

The Panel finds that the Complainant has rights in the family name “Hime” under Portuguese Civil Code Article 72 for purposes of standing under paragraph B11(d)(1)(i) of the ADR Rules. As a Portuguese citizen, the Complainant's family name rights are recognized under the national law of a Member State.

The disputed domain name comprises the Second-Level Domain “hime”. The Top-Level Domain “.eu” may be disregarded for the purposes of comparison with the Complainant's name. The disputed domain name is identical to the name “Hime” in which the Complainant has rights. The Panel finds that the Complainant has satisfied the requirements of the first element of the ADR Rules.

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

The Complainant maintains that the Respondent lacks rights or legitimate interests in the disputed domain name on the basis that the disputed domain name corresponds to the Complainant's family name and is being offered for sale, which the Complainant argues does not constitute a legitimate use.

The Respondent argues that it registered the disputed domain name as part of its business model of registering and selling domain names, and did so in light of the intrinsic value associated with the disputed domain name as it corresponds to the Japanese dictionary term for “princess”.

The Panel considers the facts in the present case are substantially similar to those in an earlier decision under the ADR Rules - *Silvan (Janis) Stein v. Premium Domain Names S.L.*, WIPO Case No. [DEU2024-0039](#). The Panel considers the reasoning of the panel in that case is correct and equally

applicable to the present case. Accordingly, the Panel recognizes that the registration of a domain name for the purpose of sale may, in certain circumstances, give rise to legitimate interest in that domain name on the part of the registrant, particularly when the domain name corresponds to a dictionary term with inherent commercial value.

The Panel accepts that “Hime” is used as a family name, including by the Complainant, but also acknowledges that it corresponds to a Japanese dictionary term meaning “princess”. As noted by the Respondent, the term “hime” has significant cultural relevance in Japanese popular culture and potential for broad application in fashion, cosmetics, anime, and lifestyle contexts.

The Complainant has not provided any evidence to support a finding that the Respondent registered the disputed domain name with knowledge of the Complainant or her family name at the time of registration in October 2021. Notably, there is no evidence that the Respondent has ever approached the Complainant directly attempting to sell her the disputed domain name. The Panel accepts the Respondent's assertion that it registered the disputed domain name in light of its inherent value as a Japanese dictionary term meaning “princess” and did so without knowledge of the Complainant and therefore without intent to target the Complainant in any way.

The Panel notes that the Respondent's business model of domain investment in generic and descriptive terms, when conducted transparently without targeting specific individuals, can constitute a legitimate interest. The disputed domain name has been listed for sale through standard domain marketplace channels rather than being used to impersonate or mislead regarding the Complainant.

In light of the above, the Panel finds that the Complainant has failed to establish that the Respondent registered the disputed domain name without rights or legitimate interests. The Complainant has not satisfied the requirements of paragraph B(11)(d)(1)(ii) of the ADR Rules.

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

The Panel's findings as to whether the disputed domain name was registered or is being used in bad faith follow the Panel's conclusions as set out under the preceding element.

The Complainant has not provided any evidence to demonstrate that the Respondent registered the disputed domain name with specific knowledge of the Complainant or with the intent to target the Complainant's family name. The absence of any direct approach by the Respondent to sell the domain name to the Complainant, supports the Respondent's assertion that there was no intent to exploit the Complainant's name or reputation.

The Respondent has described a legitimate business model focused on registering and selling domain names, which includes the registration of domain names composed of descriptive terms with inherent value, such as the Japanese word “hime”. The Panel acknowledges that “hime” serves both as a family name and as a dictionary term with cultural significance, suggesting that the term is not exclusively associated with the Complainant, further decreasing the likelihood of bad faith registration or use.

Regarding the Complainant's specific bad faith arguments:

**Intent to Sell (B(11)(f)(1)):** The Panel finds that the Complainant has not established that the disputed domain name was registered or acquired primarily for the purpose of selling to the Complainant specifically. The disputed domain name's listing for sale on standard marketplace platforms without targeting the Complainant does not constitute bad faith under this provision.

**Two-Year Non-Use (B(11)(f)(2)(ii)):** The Panel finds this provision inapplicable as there is no evidence showing that the Respondent registered the disputed domain name in order to prevent the Complainant from reflecting her name in the disputed domain name. Moreover, the Respondent has consistently used the domain name by offering it for sale, which the Panel finds in the circumstances constitutes a form of use.

Personal Name with No Link (B(11)(f)(5)): Given that the disputed domain name corresponds to the Japanese dictionary term for “princess” with significant cultural and commercial relevance, even though there seems to be no link between the Respondent and the disputed domain name, this does not change Panel’s findings as the personal name here also has a dictionary meaning.

For reasons set out above, the Panel finds that the Complainant has failed to establish that the disputed domain name was registered or is being used in bad faith. The Complainant has not satisfied the requirements of paragraph B(11)(d)(1)(iii) of the ADR Rules.

#### **D. Abuse of Administrative Proceedings**

While the Respondent has requested a finding of abuse of administrative proceedings, the Panel finds that although the Complaint was unsuccessful, it was not brought in bad faith nor constituted an abuse of the administrative proceeding. The Complainant had a good faith basis for asserting family name rights, even though the particular circumstances of this case, involving a term with significant dictionary meaning in another language, ultimately did not support the claim.

#### **7. Decision**

For the foregoing reasons, the Complaint is denied.

*/Nick J. Gardner/*

**Nick J. Gardner**

Sole Panelist

Date: August 25, 2025