Decision for dispute CAC-UDRP-108229

Case number	CAC-UDRP-108229
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Domain names	kampo-view.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	TSUMURA & CO.

Complainant representative

Organization	RODENBAUGH LAW LLC

Respondent

Name	Steve Mora

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant states that it is the owner of the following trademark registrations:

- Japanese national trademark registration No. 6568029 " Kampo View", registered on 8 June 2022, for goods and services in classes 5, 9, 16, 35, 41, and 44;
- Japanese national trademark registration No. 6568032 "Kampo view Books", registered on 8 June 2022, for products and services in classes 9, 41, and 42, registered on June 8, 2022;
- Japanese national trademark registration No. 5457418 " Kampo view" registered on 16 December 2011, for goods and services in classes 5, 16, 35, 41, and 44;
- Japanese national trademark registration No. 6978213 "Kampo View Logo", registered on 17 October 2025, for products and services classes 5, 9, 16, 35, 41, and 44.

The Complainant proved its ownership of the named trademark registrations by the submitted registration certificates from the Japan Patent Office.

FACTUAL BACKGROUND

As part of the Complainant's public health education and Kampo communication initiatives, the Complainant developed and

operated an informational platform under the name “Kampo View,” dedicated to providing consumers and medical professionals with accessible Kampo knowledge, research insights, and educational resources. The website historically operated at the domain <kampo-view.com>, serving as a central portal for Kampo-related content. In August 2025, following a significant digital renovation, TSUMURA officially migrated and relaunched the Kampo View platform at <tsumura.co.jp/kampo-view/>.

The disputed domain name <kampo-view.com> (hereinafter “disputed domain name”) was registered on 10 September 2025. According to the Registrar, the Respondent is ‘Steve Mora’. The Respondent’s provided address as being in the Ukraine.

PARTIES CONTENTIONS

Complainant:

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

RESPONDENT:

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the UDRP).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the UDRP).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the UDRP).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

In the present case, the Respondent has not submitted any Response and consequently has not contested any of the contentions made by the Complainant. Therefore, the Panel proceeds to decide only on the basis of the Complainant’s factual statements and the documentary evidence provided in support of them [Paragraph 5(f) of The Rules].

1. CONFUSING SIMILARITY

The Panel finds that the disputed domain name is confusingly similar to the Complainant’s trademark.

The WIPO Overview 3.0 in Paragraph 1.2.1 states: “Where the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case.”

The WIPO Overview 3.0 in Paragraph 1.7 states: “[…] in cases where a domain name incorporates the entirety of a trademark […] the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing.”

The WIPO Overview 3.0 in Paragraph 1.8 states: “Where the relevant trademark is recognizable within the disputed domain name,

the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. […]"

The WIPO Overview 3.0 in Paragraph 1.11.1 states: "The applicable Top Level Domain ("TLD") in a domain name (e.g., ".com", ".club", ".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test."

In the present case, the Complainant has established that it owns numerous national trademark registrations for the "KAMPO VIEW" term (proved by the registration certificates from Japan Patent Office). Although trademark registration date of No. 6978213 ("Kampo View Logo") does not precede the date of registration of the disputed domain name, the rest of the listed trademarks was registered before the date of registration of the disputed domain name.

There are no further additions or adjustments to the "KAMPO VIEW" term in the disputed domain name. Therefore, the Complainant's trademark is clearly recognizable and fully incorporated in the disputed domain name.

The ".com" element of the disputed domain name does not affect the finding of confusing similarity.

The disputed domain name is considered to be confusingly similar to the relevant trademark.

As a result, the Panel finds that the Complainant has satisfied Paragraph 4(a)(i) of the UDRP.

2. THE RESPONDENT´S LACK OF RIGHTS OR LEGITIMATE INTEREST IN THE DISPUTED DOMAIN NAME

The Panel finds that the Respondent lacks rights or legitimate interest in the disputed domain name.

According to Paragraph 4(a)(ii) of the UDRP, the Complainant shall make a case that the Respondent lacks rights and legitimate interests in the disputed domain name. If the Complainant fulfils this demand the burden of proof shifts to the Respondent and so the Respondent shall demonstrate rights or legitimate interests in the disputed domain name. If the Respondent fails to prove its rights or legitimate interests, it is assumed that the Complainant satisfied the element of Paragraph 4(a)(ii) of the UDRP (see CAC Case No. 102430, Lesaffre et Compagnie v. Tims Dozman). Moreover, past panels were of the view that it is difficult or sometimes impossible to prove negative facts, i.e., absence of rights or legitimate interest on the part of the Respondent. In this respect, past panels referred to the WIPO Case No. D2000-1769, Neusiedler Aktiengesellschaft v. Vinayak Kulkarni. Within the meaning of Paragraph 4(a)(ii) of the UDRP, once the complainant has made something credible (prima facie evidence), the burden of proof shifts to the Respondent to show that he has rights or legitimate interests in the domain name at issue by providing concrete evidence.

The WIPO Overview 3.0 in Paragraph 2.5.1 states: "Generally speaking, UDRP panels have found that domain names identical to a complainant's trademark carry a high risk of implied affiliation."

The WIPO Overview 3.0 in Paragraph 2.5.3 states: "[…] a respondent's use of a complainant's mark to redirect users (e.g., to a competing site) would not support a claim to rights or legitimate interests".

The WIPO Overview 3.0 in Paragraph 2.13.1 states: "Panels have categorically held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. Particularly in the case of counterfeits and pharmaceuticals, this is true irrespective of any disclosure on the related website that such infringing goods are "replicas" or "reproductions" or indeed the use of such term in the domain name itself".

The Complainant claims that the Respondent has no rights or legitimate interests in respect of the disputed domain name and that the Respondent has never been authorized by the Complainant to use the "KAMPO VIEW" mark in any manner, much less as part of the disputed domain name.

The Complainant asserts that the Respondent has no legitimate interests in the disputed domain name as it was registered long after the Complainant established trademark rights and significant goodwill in the "KAMPO VIEW" mark. Moreover, the disputed domain name does not reflect the Respondent's common name.

The Complainant further claims that the Respondent is using the disputed domain name to impersonate the Complainant and unlawfully exploit the goodwill in the "KAMPO VIEW" mark. The disputed domain name was registered only after the Complainant inadvertently lost control of its former domain following the migration of its official Kampo View website, long after it had established trademark rights and substantial public recognition in its Kampo View brand. The Respondent is now operating a cloned version of the Complainant's prior website while embedding outbound links to online gambling and betting platforms. The Respondent is therefore monetizing the disputed domain name by exploiting the goodwill associated with the Complainant's "KAMPO VIEW" mark and misleading Internet users seeking the Complainant's authentic Kampo-related content. By cloning the Complainant's prior website and inserting commercial gambling advertising, the Respondent intentionally confuses users for the Respondent's own financial benefit. This conduct constitutes classic impersonation and fraudulent activity under the UDRP. Such use of the disputed domain name does not constitute any legitimate bona fide offering of goods or services, nor any legitimate noncommercial or fair use under the Policy.

The Respondent did not file any Response to the Complaint. Thus, the Respondent failed to demonstrate rights or legitimate interest in the disputed domain name.

To the satisfaction of the Panel, the Complainant made a prima facie case that there is no connection between the Complainant and

the Respondent, and that the Respondent does not have authorization in the disputed domain name or in the trademark “KAMPO VIEW” from the Complainant.

Moreover, the Complainant submitted evidence (screenshot of the respective website) from which it is clear that the Respondent is impersonating the Complainant, its trademarks, products and services. Moreover, by adding the embedded links to online gambling and betting platforms to the respective website, the Respondent is obviously trying to attract Internet users to the disputed domain name for his own commercial gain. No legitimate interest can be found in this conduct.

The Panel is of the view that the Respondent has no rights or legitimate interest in the disputed domain name.

Therefore, the Panel finds that the Complainant has satisfied the requirement under Paragraph 4(a)(ii) of the UDRP.

3. THE REGISTRATION AND USE OF THE DISPUTED DOMAIN NAME IN BAD FAITH

The Panel finds that the Respondent registered and uses the disputed domain name in bad faith.

The WIPO Overview 3.0 in Paragraph 3.1.4 states: “Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith […].“

In the CAC Case No. 107505, Chewy, Inc. v. Bopan Zack, the Panel stated that: “The Complainant has submitted uncontested evidence that the disputed domain name resolves to a website that imitates the Complainant’s official site, using its name and logo without authorization and purporting to offer similar goods and services. The disputed domain name is further promoted through Facebook advertisements that reinforce a false association with the Complainant. The Panel finds that the Respondent’s conduct is intended to mislead consumers and divert traffic for commercial gain, by creating a likelihood of confusion with the Complainant’s trademark.”

In the present case, the Complainant has established that it owns numerous national trademark registrations for the “KAMPO VIEW” term (evidenced by the registration certificates from Japan Patent Office).

The disputed domain name is found confusingly similar (see above). This finding indicates the bad faith of the Respondent.

The Panel is of the opinion that the Respondent must have been aware of the Complainant, its trademark and business activities at the moment of registering the disputed domain name on 10 September 2025.

Following the aforementioned description of the Respondent’s conduct in the disputed domain name, the Panel finds that the Respondent’s intention in registering the disputed domain name is to divert Internet users to the website which impersonates and imitates the Complainant, its trademarks, products and services, for the purpose of the Respondent’s own commercial gain.

As was proved by the Complainant, the respective website contains embedded links to online casinos or betting platforms. As the Complainant pointed out, online casino operations of this nature are illegal under Japanese law. Under this circumstance, no good faith can be seen in the Respondent’s actions.

Therefore, the Panel comes to a conclusion that the Respondent did not register and is not using the disputed domain name in good faith.

Following the above-mentioned, the Panel finds that the Complainant has satisfied conditions pursuant to Paragraph 4(a)(iii) of the UDRP.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **kampo-view.com**: Transferred

PANELLISTS

Name	**Radim Charvát**

DATE OF PANEL DECISION 2026-02-23

Publish the Decision