1. The Parties and Contested Domain Name

The Complainant is SoftBank Group Corp., of Tokyo, Japan represented by CSC Digital Brand Services Group AB of Stockholm, Sweden.

The Respondent is Seiz Yuas, Yuas Seiz, of Okayama, Japan.

The domain name at issue is <softbankcoronavirus.com>, registered by Respondent with GMO Internet, Inc. d/b/a Onamae.com, of Cerulean Tower, 26-1 Sakuragaoka-cho Shibuya-ku Tokyo 150-8512 Japan.

2. Procedural History

The Complaint was filed with the Hong Kong Office of the Asian Domain Name Dispute Resolution Centre (ADNDRC)["Centre"] on May 22, 2020, seeking for a transfer of the disputed domain name. On May 22, 2020, the Centre sent an email to the GMO Internet, Inc. d/b/a Onamae.com asking for the detailed data of the registrant. On June 2, 2020, the Registrar verified that Seiz Yuas, Yuas Seiz is the current registrant of the disputed domain name and that Respondent is bound by the GMO Internet, Inc. d/b/a Onamae.com registration agreement and has thereby agreed to resolve domain disputes brought by third parties in accordance with ICANN’s Uniform Domain Name Dispute Resolution Policy (the “Policy”).

The Centre verified that the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the Centre’s Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

The proceedings commenced on June 4, 2020. In accordance with the Rules, the Centre formally notified the Respondent of the Complaint both in English, setting a deadline of June
24, 2020 by which Respondent could file a Response to the Complaint, via e-mail to all entities and persons listed on Respondent's registration as technical, administrative, and billing contacts.

Having received no response from Respondent, the Centre transmitted to the parties a Notification of Respondent Default on June 28, 2020.

On July 8, 2020, the Centre appointed Ho Hyun Nahm, Esq., as the Sole Panelist in the administrative proceeding and with the consent for the appointment, impartiality and independence declared and confirmed by the Panelist, the Centre, in accordance with paragraph 7 of the Rules, organized the Panel of this case in a legitimate way.

Having reviewed the communications records, the Administrative Panel (the "Panel") finds that the Centre has discharged its responsibility under Paragraph 2(a) of the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules") "to employ reasonably available means calculated to achieve actual notice to Respondent" through submission of Electronic and Written Notices, as defined in Rule 1 and Rule 2. Therefore, the Panel may issue its decision based on the documents submitted and in accordance with the ICANN Policy, ICANN Rules, the Centre's Supplemental Rules and any rules and principles of law that the Panel deems applicable.

3. Preliminary Issue: Language of the Proceedings

The Panel notes that the Registration Agreement is written in Japanese, thereby making the language of the proceedings in Japanese. Complainant has alleged that the proceeding should be in English because: i) the translation of the Complaint would unfairly disadvantage and burden the Complainant and delay the proceedings and adjudication of this matter; ii) the disputed domain name is comprised of Latin characters; and iii) the term SOFTBANK, which is the dominant portion of the disputed domain name, does not carry any specific meaning in the Japanese language.

The Panel has the discretion under UDRP Rule 11(a) to determine the appropriate language of the proceedings taking into consideration the particular circumstances of the administrative proceeding. See Immobilière Dassault SA, Groupe Industriel Marcel Dassault v. DuanZuoChun, D2011-2106 (WIPO February 21, 2012); Dama S.p.A. v. Duan Zuochun, D2012-1015 (WIPO July 5, 2012); Paul Smith Group Holdings Limited v. Gao Xu, HK-1600932 (ADNDRC, Jan. 17, 2017).

Considering the total circumstances of the present case, in the absence of Response and no objection to the Complainant's request for the language of proceeding, the Panel decides that the proceeding should be in English.

4. Factual background

Complainant is a Japanese multinational conglomerate holding company headquartered in Tokyo. It was founded in 1981. Complainant is engaged in a variety of businesses in semiconductors, communications and Internet services around the world. As of March 31, 2019, it has 1,302 subsidiaries, 423 associates, 26 joint ventures, 192 (consolidated basis: 76,866) employees. In 2018, it reported net sales of 9,602,236 million yen. Complainant has made significant investment over the years to advertise, promote, and protect the SOFTBANK trademark through various forms of media, including the Internet.
Respondent is using the disputed domain name to redirect Internet users to a website that resolves to a parked page and lacks content. The disputed domain name was registered on April 13, 2020.

5. Parties’ Contentions

A. Complainant

The Complainant’s contentions are summarized as follows:

i) Complainant is the owner of SOFTBANK trademark. In creating the disputed domain name, Respondent has added the generic term ‘coronavirus’ to Complainant’s SOFTBANK trademark, thereby making the disputed domain name confusingly similar to Complainant’s trademark.

ii) Respondent has no rights or legitimate interests in respect of the domain name. Respondent is not sponsored by or affiliated with Complainant in any way. Complainant has not licensed, authorized, or permitted Respondent to use Complainant’s trademark in any manner, including in domain names. Respondent is not commonly known by the disputed domain name. At the time of filing the complaint, Respondent was using a privacy WHOIS service. Respondent is using the disputed domain name to redirect Internet users to a website that resolves to a parked page and lacks content. Respondent has failed to make use of the disputed domain name’s website and has not demonstrated any attempt to make legitimate use of the domain name and website, which evinces a lack of rights or legitimate interests in the disputed domain name.

iii) At the time of registration of the disputed domain name, Respondent knew, or at least should have known, of the existence of the Complainant's trademarks. The disputed domain name currently resolves to an inactive site and is not being used, which constitutes bad faith use. The disputed domain name can only be taken as intending to cause confusion among Internet users as to the source of the disputed domain name, and thus, the disputed domain name must be considered as having been registered and used in bad faith. There is no plausible good-faith reason or logic for Respondent to have registered the disputed domain name. Respondent has not shown any legitimate use for it. Respondent, at the time of initial filing of the Complaint, had employed a privacy service to hide its identity.

B. Respondent

Respondent did not submit a Response.

6. Findings

i) Complainant has established its rights in the mark SOFTBANK contained in the disputed domain name. The disputed domain name is confusingly similar to Complainant’s mark.

ii) Respondent has no rights to or legitimate interests in the disputed domain name.

iii) Respondent registered and used the disputed domain name in bad faith.

7. Discussions
Paragraph 15(a) of the Rules instructs this Panel to “decide a complaint on the basis of the statements and documents submitted 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 Complainant must prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

1. the domain name registered by Respondent is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
2. Respondent has no rights or legitimate interests in respect of the domain name; and
3. the domain name has been registered and is being used in bad faith.

In view of Respondent's failure to submit a response, the Panel shall decide this administrative proceeding on the basis of Complainant's undisputed representations pursuant to paragraphs 5(f), 14(a) and 15(a) of the Rules and draw such inferences it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable allegations set forth in a complaint; however, the Panel may deny relief where a complaint contains mere conclusory or unsubstantiated arguments. See WIPO Jurisprudential Overview 3.0 at section 4.3; see also eGalaxy Multimedia Inc. v. ON HOLD By Owner Ready To Expire, FA 157287 (Forum June 26, 2003) (“Because Complainant did not produce clear evidence to support its subjective allegations [. . .] the Panel finds it appropriate to dismiss the Complaint”).

A) Identical / Confusingly Similar

Complainant contends that it is the owner of various registrations for the trademark 'SOFTBANK' on a worldwide basis. The Panel notes that Complainant registered the trademark 'SOFTBANK' with JPO (the Japanese Patent Office) (Reg. no. 1858515, registered on April 23, 1986); KIPO (the Korean Intellectual Property Office) (Reg. no. 40-0116581-0000, registered on September 11, 1985); USPTO (the United States Patent and Trademark Office) (Reg. no. 2542547, registered on February 26, 2002); EUIPO (Reg. no.002070225, registered on December 19, 2002); and WIPO (Reg. no.861654, registered on June 7, 2005).

The general consensus is that JPO, KIPO, USPTO, EUIPO, or WIPO registrations are sufficient in conferring rights in a mark under paragraph 4(a)(i) of the Policy. See T-Mobile USA, Inc. dba MetroPCS v. Ryan G Foo / PPA Media Services, FA1627542 (FORUM Aug. 9, 2015) (finding that Complainant has rights in the METROPCS mark through its registration with the United States Patent and Trademark Office); see also Samsung Electronics Co., Ltd v. lupie jet, KR-1700157 (CENTRE May 3, 2017) (finding that Complainant has rights in the SAMSUNG mark through its registration with the Korean Intellectual Property Office). Therefore, the Panel finds Complainant’s evidence of JPO, KIPO, USPTO, EUIPO, and WIPO registrations for the SOFTBANK mark sufficient in establishing rights under paragraph 4(a)(i) of the Policy.

Complainant contends that Respondent has added the generic term 'coronavirus' to Complainant’s SOFTBANK trademark, thereby making the disputed domain name confusingly similar to Complainant’s trademark.

The Panel agrees that addition of a descriptive term 'coronavirus' and gTLD '.com' to Complainant's mark in order to form the disputed domain name does not distinguish the
disputed domain name from Complainant's mark for the purposes of the analysis of paragraph 4(a)(i) of the Policy. See Microsoft Corporation v. Thong Tran Thanh, FA 1653187 (FORUM Jan. 21, 2016) (determining that confusing similarity exist where [a disputed domain name] contains Complainant’s entire mark and differs only by the addition of a generic or descriptive phrase and top-level domain, the differences between the domain name and its contained trademark are insufficient to differentiate one from the other for the purposes of the Policy.).

The Panel therefore finds that the disputed domain name is confusingly similar to Complainant’s mark SOFTBANK per paragraph 4(a)(i) of the Policy.

B) Rights and Legitimate Interests

Complainant must first make a prima facie case that Respondent lacks rights and legitimate interests in the disputed domain name under paragraph 4(a)(ii) of the Policy, and then the burden shifts to Respondent to show it does have rights or legitimate interests. See Hanna- Barbera Prods., Inc. v. Entm’t Commentaries, FA741828 (Forum Aug. 18, 2006) (holding that the complainant must first make a prima facie case that the respondent lacks rights and legitimate interests in the disputed domain name under paragraph 4(a)(ii) of the Policy before the burden shifts to the respondent to show that it does have rights or legitimate interests in a domain name); see also AOL LLC v. Gerberg, FA780200 (Forum Sept. 25, 2006) (“Complainant must first make a prima facie showing that Respondent does not have rights or legitimate interest in the subject domain names, which burden is light. If Complainant satisfies its burden, then the burden shifts to Respondent to show that it does have rights or legitimate interests in the subject domain names.”).

Complainant asserts that Respondent has no rights or legitimate interests in the disputed domain name. Complainant claims that Respondent is not sponsored by or affiliated with Complainant in any way. Complainant has not licensed, authorized, or permitted Respondent to use Complainant’s trademark in any manner, including in domain name. Respondent is not commonly known by the disputed domain name.

The Panel finds that a lack of contradicting evidence in the record that Respondent was authorized to use a complainant’s mark in a domain name can be evidence of a lack of rights and legitimate interests. See Navistar International Corporation v. N Rahmany, FA1620789 (FORUM June 8, 2015) (finding that the respondent was not commonly known by the disputed domain name where the complainant had never authorized the respondent to incorporate its NAVISTAR mark in any domain name registration).

Complainant contends that Respondent is not commonly known by the disputed domain name. The Panel is of the view that WHOIS information can be used to support a finding under paragraph 4(a)(ii) of the Policy that a respondent is not commonly known by a disputed domain name. See Chevron Intellectual Property LLC v. Fred Wallace, FA1626022 (FORUM July 27, 2015) (finding that the respondent was not commonly known by the <chevron-europe.com> domain name under paragraph 4(a)(ii) of the Policy, as the WHOIS information named “Fred Wallace” as registrant of the disputed domain name). The Panel notes that the WHOIS information of the disputed domain name masked the registrant, and in the course of this proceeding the registrant of the disputed domain name has been identified as 'Seiz Yuas, Yuas Seiz'. Therefore, the Panel holds Respondent is not commonly known by the disputed domain name.
Complainant further asserts that Respondent is using the disputed domain name to redirect Internet users to a website that resolves to a parked page and lacks content. Respondent has failed to make use of the disputed domain name’s website and has not demonstrated any attempt to make legitimate use of the domain name and website, which evinces a lack of rights or legitimate interests in the disputed domain name.

The Panel finds that Complainant has made out a *prima facie* case that arises from the considerations above. All of these matters go to make out the *prima facie* case against Respondent. As Respondent has not filed a Response or attempted by any other means to rebut the *prima facie* case against it, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain name.

**C) Bad Faith**

Complainant contends that at the time of registration of the disputed domain name, Respondent knew, or at least should have known, of the existence of Complainant's trademark. Actual knowledge of a complainant’s rights in a mark may be shown by evidence such as the fame of the mark and the use the respondent makes of the mark under paragraph 4(a)(iii) of the Policy. See *Google Inc. v. Ahmed Humood*, FA1411001591796 (FORUM Jan. 7, 2015) (“This Panel makes that inference; Respondent has actual knowledge of Complainant’s mark at the time of domain name registration based on the fame of Complainant’s GOOGLE mark and Respondent’s use of one of the disputed domain names to detail Internet domain name registration and maintenance services related to and in competition with Complainant.”). The Panel infers, due to the notoriety of Complainant’s mark that Respondent had actual knowledge of Complainant’s mark before registering the disputed domain name, and it finds that Respondent registered and uses the disputed domain name in bad faith under paragraph 4(a)(iii) of the Policy.

Complainant also contends that the disputed domain name currently resolves to an inactive site and is not being used, which constitutes bad faith use; and the disputed domain name can only be taken as intending to cause confusion among internet users as to the source of the disputed domain name; and thus, the disputed domain name must be considered as having been registered and used in bad faith.

The Panel agrees that the passive holding of a domain name does not necessarily circumvent a finding that the domain name is being used in bad faith within the requirements of paragraph 4(a)(iii) of the Policy. *See Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. D2000-0003 (finding that in considering whether the passive holding of a domain name, following a bad faith registration of it, satisfies the requirements of paragraph 4(a)(iii), the panel must give close attention to all the circumstances of the respondent’s behavior, and a remedy can be obtained under the Policy only if those circumstances show that the respondent’s passive holding amounts to acting in bad faith.)

The particular circumstances of this case that the Panel has considered are:

i) Complainant and its SOFTBANK trademark are known internationally, with trademark registrations across numerous countries. The Complainant’s mark ‘SOFTBANK’ is considered as being a well-known trademark;

ii) Respondent is following a recent trend of opportunistic registration of coronavirus-related domain names; and
iii) Respondent has provided no evidence whatsoever of any actual or contemplated good faith use by it of the disputed domain name.

Taking into account all of the above, the Panel concludes that Respondent’s passive holding of the disputed domain name constitutes bad faith under paragraph 4(a)(iii) of the Policy, and that Respondent registered and is using the disputed domain name in bad faith.

8. Decision

Having established all three elements required under the ICANN Policy, the Panel concludes that relief shall be **GRANTED**.

Accordingly, it is Ordered that the domain name `<softbankcoronavirus.com>` be **TRANSFERRED** from Respondent to Complainant.

Ho Hyun Nahm, Esq.
Panelist

Dated: July 13, 2020