

Case Number:JP2026-0004

## PANEL DECISION

### 1. The Parties

#### **Complainant:**

Name: EGIDIO GALBANI S.R.L.

Domicile: Milano, Italy, [Contact details omitted]

#### **Registrant:**

Name: Zhao Ke

Domicile: Shibuya-ku, Tokyo, Japan, [Contact details omitted]

### 2. The Disputed Domain Name and Remedy Sought

The Disputed Domain Name is <galbani.jp>.

The Complainant requests the transfer of the Disputed Domain Name.

### 3. Procedural History

As indicated in the attached Annex.


### 4. Factual Background

The Complainant's website (as well as those of its affiliates) may demonstrate that the Complainant is an existing Italian corporation that originated from a family business in 1882, and is now one of the global leading companies in the dairy produce market and cured meats market as well as coffee,


cheese, pasta, and meat-related food under the brand name of “Galbani” and the Complainant operates the business within the Japanese market as well. (Evidence 6.1, 6.2).


Based on the evidence submitted by the Complainant, Complainant holds at least the following trademark rights (hereinafter, unless individually specified otherwise, collectively referred to as the “GALBANI Trademarks”):

(1) the word trademark “GALBANI” as European Union Trademark Registration No. 000070052, designating ES, DA, DE, EL, EN, FR, IT, NL, PT, FI, SV (the abbreviations of which shall conform to the EUIPO standards), covering goods in Class 29 and 30, and registered on October 29, 1998 (Evidence 5.1, 5.2),

(2) the figurative mark  as European Union Trademark Registration No. 000070268, designating ES, DA, DE, EL, EN, FR, IT, NL, PT, FI, SV, covering goods in Class 29 and 30, and registered on October 30, 1998 (Evidence 5.3, 5.4),

(3) the word trademark “GALBANI” as International Trademark Registration No. 617634, designating countries under the Madrid Protocol, with Japan not being among those designated countries, covering goods in Class 29 and 30, and registered on March 23, 1994 (Evidence 5.5),

(4) the figurative trademark  as Japan Trademark Registration No. 3260644, covering goods in Class 29, and registered on February 24, 1997 (Evidence 5.6), and

(5) the figurative trademark  as Japan Trademark Registration No. 3236399, covering goods in Class 30, and registered on December 25, 1996 (Evidence 5.7).

(Note: The current registered owner of (5) Japanese Trademark Registration No. 3246399 is designated as S.p.A. EGIDIO GALBANI, which is understood to be the corporate predecessor of the Complainant.)

In addition, the Complainant or its affiliates hold registrations for multiple generic Top-Level Domains (“gTLDs”) and country code Top-Level Domains (“ccTLDs”) containing the term “galbani,” which include the registration of the Complainant’s primary domain name, <galbani.com> on July 11, 1996 (Evidence 7.1-7.3).

The Registrant registered the Disputed Domain Name <galbani.jp> on June 1, 2025 (Evidence 2).

The Disputed Domain Name was redirected to a parking page that contains three sponsored links (one sponsored link was displayed as “Galbani Parmigiano Reggiano”) in December 2025 (Evidence 3.1), and the Disputed Domain Name was offered for sale at the amount of 9,200 USD on the domain name marketplace site, sedo.com, at least as of February 3, 2026 (Evidence 3.2).

After the Complainant started to send cease-and-desist letters, written in English, to the Registrant and sedo.com from February 3, 2026 (Evidence 8.1, 8.2, 9.1), the Disputed Domain Name came to be redirected to an inactive website (Evidence 4) and sedo.com blocked the Disputed Domain Name (Evidence 9.2).

On February 27, 2026, an email, written in English, was sent to Lactalis, the parent company of the Complainant, from an individual inferred to be the Registrant based on the statement therein claiming ownership of the Disputed Domain Name, offering the Disputed Domain Name for sale, also providing the direct link to the marketplace sedo.com where a brokerage service to purchase the

Disputed Domain Name is promoted (Evidence 10.1).

## **5. Parties' Contentions**

### **A. Complainant**

The Complainant's contentions may be summarized as follows:

The Disputed Domain Name incorporates the whole of the Complainant's GALBANI Trademark without any alteration which might distinguish the Disputed Domain Name from the GALBANI Trademark.

The Disputed Domain Name differs from the Complainant's trademarks only by the addition of the ccTLD “.jp”.

It should be noted that the sole addition of the ccTLD “.jp” is merely instrumental to the use of the Internet and can be disregarded for the purposes of the assessment of identity or similarity under Article 4(a)(i) of the Policy.

The Registrant has no rights in the name “galbani” and has never acquired any prior rights on the name. Furthermore, the Registrant has not been authorized by the Complainant to use the Complainant's GALBANI Trademarks.

The Registrant is neither a licensee nor a third party authorized to use Complainant's trademarks, including as a domain name.

The Complainant does not know the Registrant and has never had any relationship with the Registrant.

The fact that the Disputed Domain Name was redirected to a parking page containing sponsored links that incorporate the Complainant's trademark demonstrates that the Registrant lacks any rights or

legitimate interests in the use of the Disputed Domain Name.

The Complainant's worldwide reputation with the Complainant's trademarks infers the bad faith of the Registrant.

The Registrant could not have been unaware of the Complainant's trademarks when it registered and used the Disputed Domain Name.

Furthermore, the offering for sale of the Disputed Domain Name for the amount of 9,200 USD on the domain name marketplace site and sending an e-mail attempting to sell the Disputed Domain Name to the Complainant's parent company should be considered as carried out in bad faith.

#### **B. Registrant**

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

#### **6. Discussion and Findings**

The Japan Intellectual Property Arbitration Center (hereinafter "the Center") Panel, in accordance with the JP Domain Name Dispute Resolution Policy (hereinafter, the "Policy"), the Rules for the JP Domain Name Dispute Resolution Policy (hereinafter, the "Rules"), the Supplemental Rules of the Japan Intellectual Property Arbitration Center for the JP Domain Name Dispute Resolution Policy, and general principles of law, having conducted its examination based on the Complaint and the evidence submitted.

### **6.1 Preliminary Issue: Language of the Proceeding**

Article 11(a) of the Rules provides, “The language of the Proceedings shall be Japanese, subject to the authority of the panel to determine otherwise, having regard to the circumstances of the proceeding”.

In the Panel’s understanding, Article 11(a) of the Rules provides that the language of the proceedings shall, in principle, be Japanese, while also allowing that, where the Complainant submits a reasoned request for a change in the language of the proceedings, the panel may, in the proper exercise of its authority, taking into account the circumstances of the proceedings and in accordance with the principles of fairness, procedural economy, and expedition underlying this JP Domain Name Dispute Resolution Proceedings (see Article 10(b) of the Rule), permit the change of the language of the proceedings.

Indeed, prior decisions of the Center have confirmed cases in which such exceptional changes of the language of the proceedings to English have been allowed (see JP2021-0001, JP2024-0001, and JP2025-0004), which are consistent with the Panel’s understanding.

Where the complainant files the complaint and related documents in English or another language and requests that the language of the proceedings be changed to English or such other language, the Center operates, at the commencement of the proceedings, by requesting the registrant to promptly submit its opinion regarding such request for a change of the language of the proceedings (see “JP-DRP Commentary (2026)” at p. 10).

The Complaint in English was filed with the Center on March 19, 2026 and the Amended Complaint

in English was filed with the Center on March 30 as indicated in the Annex (1) and (4). The Complainant asked that the language of the proceedings be English in the Complaint and the Amended Complaint. The Center sent the Registrant the Commencement Notice by postal service and Electronic Transmission on April 6, 2026. The Commencement Notice informed the Registrant of the commencement date of the Proceeding (April 6, 2026), the deadline for the submission of the Answer (May 8, 2026) and the means for the receipt and submission of documents and asked the Registrant to submit the opinion regarding the language of the proceedings but the mail via postal service failed for the reason of “Address not found” as indicated in the Annex (5).

However, the Registrant did not submit any response or opinion within the period prescribed in the e-mail as indicated in Annex (6).

The Complainant requests to change the language of the proceeding from Japanese to English with several reasons for consideration including,

- (1) the language used in communication between parties (irrespective of within or outside of the proceeding), and in this case there was the communication between parties in English via the cease-and-desist letters (Evidence 8.1 and 8.2) from the Complainant and the request for sale of the Disputed Domain Name from the person inferred as the Registrant (Evidence 10.1),
- (2) there were many WIPO cases conducted in English against the Registrant and among them four decisions were rendered in English, even though the Registration Agreements were in Chinese, since the panels found that the choice of English as the language of the proceeding was fair to the parties and was not prejudicial to either of the parties in his or her ability to articulate the arguments for the

case (Evidence 12-16),

(3) the language used by the parties used on their websites, SNS and other media, and in this case the Disputed Domain Name was linked to the parking page in English and offered to sell it in 9,200 USD in English on the domain name marketplace site, sedo.com,

(4) both parties' permanent address or domicile (in particular, whether a party other than the requesting party is operating (or operated) its business with an active base in Japan), and in this case the Registrant's main business address may be China because the registered contact telephone number starts with the number of (86) which indicates Chinese telephone number rather than Japan,

(5) reasons for the request and reasons for negative response to the request, and other facts.

Considering the circumstances of the proceeding, the Panel finds that it shall comply with the principles of fairness, procedural economy, and expedition to change the language of the proceedings to English based on the following reasons:

(i) that the language used in communication between the parent company of the Complainant and the Registrant was conducted in English, even though the e-mail offering the Disputed Domain Name for sale on February 27, 2026 (Evidence 10.1) did not expressly mention the name of Registrant "Zhao Ke", it described the person sending the e-mail as "I have a domain name: galbani.jp you may be interested in.",

(ii) there are at least four prior WIPO UDRP cases against "Zhao Ke", who is the same registrant's name in this case, in which the panels allowed the requests to change the language of the proceedings to English (Evidence 13-16),

(iii) the Disputed Domain Name was registered in Latin, rather than Japanese, the parking site to which the Disputed Domain Name was redirected was written in English, and the offer for the sale of the Disputed Domain Name by 9,200 USD was conducted on the domain name marketplace site, sedo.com, in English,

(iv) English is commonly used in the transaction and business and both parties may be familiar with English as described (i) to (iii), even though neither party is domiciled in a place where the English is an official language, and

(v) the domicile designated for the contact by the Registrant is not correct at least from the beginning of this procedure because the notice from the Center to the Registrant via postal service cannot reach to the domicile and the reason is “Address not found” as indicated in Annex (5), so there may be little merit in conducting the proceeding in Japanese for the Registrant’s benefit.

Furthermore, the Registrant did not object to the Complainant’s request for the language of the proceeding to be changed from Japanese to English even though the Registrant must have received the notice from the Center by e-mail which was sent to the same e-mail address designated as the contact address in the registration record of the Disputed Domain Name (Evidence 2) and the Complaint used for sending the cease-and-desist letters (Evidence 8.1 and 8.2), the necessity for conducting the proceeding in Japanese will not be so critical to justify the delay and translation costs by the Complainant.

Considering all the above circumstances of the proceedings, the Panel determines English to be the language of this proceeding.

## **6.2 Substantive Elements of the Policy**

In accordance with Article 4(a) of the Policy, the Complainant must assert and prove that the following three elements are present.

- (i) The domain name of the Registrant is identical or confusingly similar to any mark such as trademark or service mark in which the Complainant has rights or legitimate interests; and
- (ii) The Registrant has no relevant rights or legitimate interests in respect of the domain name; and
- (iii) The domain name of the Registrant has been registered or is being used in bad faith (unfair purpose).

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

As described at the Factual Background, the Complainant has at least five trademark rights including two Japanese trademark rights.

The three figurative trademarks incorporate, despite being stylized, the representation of the term “galbani” in lowercase letters in a recognizable manner within their configuration.

The concept of “rights or legitimate interests” of Article 4(a)(i) is understood to encompass foreign trademarks (see “JP-DRP Commentary (2026)” at p. 19).

The Disputed Domain Name consists of “.jp” as ccTLD and intends to target the Japanese market where the Complainant carries on the abovementioned business and the Japanese consumers rely on the marks.

Therefore, the Panel decides that GALBANI Trademarks shall be the “rights or legitimate interests” of Article 4(a)(i) of the Policy.

It is well 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 trademark and the Disputed Domain Name.

The Panel confirms that, since capitalization is irrelevant in the context of domain names (see RFC (Request for Comments) 1035), the all registered GALBANI Trademarks are substantially the same as the Disputed Domain Name which consists of the entire Complainant’s GALBANI Trademark plus a ccTLD “.jp”.

Consequently, the Panel finds that the first element in Article 4(a) of the Policy has been established.

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

Article 4(c) of the Policy provides a list of circumstances in which the Registrant may demonstrate rights or legitimate interests in a disputed domain name.

As the Complainant asserts, the Registrant is not affiliated or related to the Complainant or licensed or otherwise authorized to use GALBANI Trademarks including as a domain name. The Registrant is not commonly known by the Disputed Domain Name (see Article 4(c)(ii) of the Policy) and has not acquired any trademark or service mark rights in the Disputed Domain Name (Evidence 11).

The Registrant had been using the Disputed Domain Name to operate a parking page that contains a number of sponsored links, especially using the link of “Galbani Parmigiano Reggano”, but the

Registrant is not using the Disputed Domain Name in connection with any legitimate noncommercial or fair use without intent for commercial gain (see Article 4(c)(iii) of the Policy; see also Section 2.5.3 of WIPO Overview of WIPO Panel Views on Select UDRP Questions (“WIPO Overview 3.1”).

Although the overall burden of proof in the proceedings is on the Complainant, where the Complainant makes out a prima facie case that the Registrant lacks rights or legitimate interests, the burden of production on the second element in Article 4(a) of the Policy shifts to the Registrant to come forward with relevant evidence demonstrating rights or legitimate interests in the Disputed Domain Name. If the Registrant fails to come forward with such relevant evidence, the Complainant is deemed to have satisfied the second element in Article 4(a) of the Policy.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Registrant lacks rights or legitimate interests in the Disputed Domain Name. The Registrant has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Disputed Domain Name such as those enumerated in the Policy or otherwise.

Consequently, the Panel finds that the second element in Article 4(a) of the Policy has been established.

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

Considering the Evidence 6.1 and 6.2 submitted by the Complainant that the “GALBANI” word mark and the figurative “galbani” mark as trademarks had acquired a worldwide reputation in the food market before the registration of the Disputed Domain Name.

In addition, the Complainant or its affiliates hold registrations for multiple ccTLDs containing the term “galbani” before the registration of the Disputed Domain Name (Evidence 7.1-7.3).

Therefore, it is implausible that Registrant was unaware of the Complainant when registering the Disputed Domain Name, and the composition of the Disputed Domain Name imitating the

Complainant's trademarks strongly suggests that Registrant had trademarks in mind when registering the Disputed Domain Name.

Moreover, Article 4(b)(i) of the Policy sets forth that if the Panel finds that "circumstances indicating that the Registrant has registered or has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name to the Complainant or to a competitor of that Complainant, for valuable consideration in excess of the out-of-pocket costs (amount to be confirmed by documentation) directly related to the domain name," the Panel must consider "that the registration or use of domain name is for in bad faith (unfair purpose)".

In this case, the Registrant offered the Disputed Domain Name for sale at the high amount of 9,200 USD on the domain name marketplace site, sedo.com (Evidence 3.2), and did the same offer via e-mail to the parent company of the Complainant (Evidence 10.1). These facts support a finding of the registration and the use of the Disputed Domain Name in bad faith.

Consequently, the Panel finds that the third element in Article 4(a) of the Policy has been established.

As a result, the Panel reached the conclusion that the Complainant has succeeded in the third element of Article 4(a) of the Policy and is entitled to the remedy requested, namely that the Disputed Domain Name be transferred to the Complainant.

## **7. Decision**

For all the foregoing reasons, in accordance with Article 4(i) of the Policy and Article 15 of the Rules, the Panel orders that the Disputed Domain Name <galbani.jp> be transferred to the Complainant.

Decided on June 4, 2026

Shinichi Koike

Sole Panelist

Japan Intellectual Property Arbitration Center

## **Annex: Procedural History**

### **(1) Submission of the Complaint**

The Japan Intellectual Property Arbitration Center (the “Center”) received the complaint (including related documents attached herewith) from the Complainant by Electronic Transmission on March 19, 2026.

### **(2) Fee Payment**

The Center received the entire fee from the Complainant on March 18, 2026.

### **(3) Confirmation of the Domain Name and the Registrant**

The Center made an inquiry of the registration data to the JPRS on March 23, 2026 and received from the JPRS the verification response confirming the Registrant named in the Complaint is listed as the registrant of the disputed domain name and the e-mail addresses, postal addresses, etc. of the registrant registered by the JPRS on March 23, 2026.

### **(4) Verification of the Formal Requirements**

The Center determined that an amendment (correction of the information in the complaint, etc.) was necessary on March 25, 2026 and notified the Complainant to that effect. The Center received the amended documents on March 30, 2026 and verified on March 30, 2026 that the Complaint satisfied the formal requirements of the Policy and Rules.

### **(5) Commencement of the Proceeding**

The Center notified the Complainant, JPNIC and JPRS of the commencement of the Proceeding by Electronic Transmission on April 6, 2026. The Center sent the Registrant the Commencement Notice by postal service and Electronic Transmission on April 6, 2026. The Commencement Notice informed the Registrant of the commencement date of the Proceeding (April 6, 2026), the deadline for the submission of the Answer (May 8, 2026) and the means for the receipt and submission of documents and asked the Registrant to submit the opinion regarding the language of the proceedings. However, the Commencement Notice sent to the Registrant address were returned with the message “Address not found”.

### **(6) Submission of the Answer**

Since the Center did not receive the Answer by the deadline for submission, the Center sent a notice on non-submission of the Answer to the Complainant and the Registrant by Electronic Transmission on May 11, 2026, stating that “the Answer shall be deemed not to have been

submitted.” The Center did not receive the opinion regarding the language of the proceedings from the Registrant.

(7) Notice on the Appointment of the Panel and Scheduled Date of Decision

The Complainant elected to have the dispute decided by a single-member panel, and the Center appointed Shinichi Koike, as the sole panelist and forwarded the case file to the Panel by Electronic Transmission on May 15, 2026. The Center notified the appointed panelist and scheduled date of decision (June 4, 2026) to the Complainant, the Registrant, JPNIC and JPRS by Electronic Transmission on May 15, 2026. The Panel submitted the declaration of impartiality independence, and neutrality to the Center on May 17, 2026.

(8) Examination and Decision by the Panel

The Panel determined that the language of the proceedings shall be English, having regard to the circumstances of the proceedings, and then completed the examination and rendered the decision on June 4, 2026.