



URS DEFAULT DETERMINATION

Johnson & Johnson v.

Claim Number: FA2208002006935

DOMAIN NAME

<benadryl.tokyo>

PARTIES

Complainant: Johnson & Johnson of New Brunswick, New Jersey, United States of America.

Complainant Representative: Fross Zelnick Lehrman & Zissu, P.C. of New York, New York, United States of America.

Respondent: Whois Privacy Protection Service by MuuMuuDomain of Fukuoka City, Fukuoka, Japan.

Respondent Representative: None.

REGISTRIES and REGISTRARS

Registries: GMO Registry, Inc.

Registrars: GMO Internet, Inc. d/b/a Onamae.com

EXAMINER

The undersigned certifies that he has acted independently and impartially and to the best of his knowledge has no known conflict in serving as Examiner in this proceeding.

David L. Kreider, Chartered Arbitrator (UK), as Examiner.

PROCEDURAL HISTORY

Complainant submitted: August 3, 2022

Commencement: August 8, 2022

Default Date: August 23, 2022

Having reviewed the communications records, the Examiner finds that the FORUM has discharged its responsibility under URS Procedure Paragraphs 3 and 4 and Rule 4 of the Rules for the Uniform Rapid Suspension System (the "Rules").

RELIEF SOUGHT

Complainant requests that the domain name be suspended for the life of the registration.

STANDARD OF REVIEW

Clear and convincing evidence.

FINDINGS and DISCUSSION

The Claimant, Johnson & Johnson, is the owner of the registered Mark BENADRYL, which since 1944 it uses for antihistamine allergy medications.

The Disputed Domain Name, <benadryl.tokyo> was registered on September 14, 2021, with the identity of the actual registrant concealed by use of a proxy or privacy service via the named Respondent in these proceedings, "Whois Privacy Protection Service by MuuMuuDomain", of Fukuoka City, Fukuoka, Japan.

The Disputed Domain Name is currently being used in connection with a Japanese language website that purports to be a "personal import agency" allowing customers in Japan to purchase BENADRYL products. The website

contains information and reviews about BENADRYL products but is essentially a commercial website that is meant to assist Japanese consumers who wish to purchase BENADRYL products not offered in Japan.

Even though the Respondent has defaulted, URS Procedure 1.2.6, requires Complainant to make a *prima facie* case, proven by clear and convincing evidence, for each of the following three elements to obtain an order that a domain name should be suspended.

The Disputed Domain Name, at the relevant second-level, is identical to the Complainant's registered Mark BENADRYL. The Respondent has no legitimate connection whatsoever with the Complainant but has misappropriated the Complainant's famous BENADRYL Mark for its own unfair commercial gain, thereby creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on that web site or location.

I find that the Complainant has demonstrated by clear and convincing evidence that the Disputed Domain Name was registered and is being used in bad faith.

DETERMINATION

After reviewing the Complainant's submissions, the Examiner determines that the Complainant has demonstrated all three elements of the URS by a standard of clear and convincing evidence; the Examiner hereby Orders that the following

domain name be SUSPENDED for the duration of the registration.

<benadryl.tokyo>

A handwritten signature in black ink, appearing to read 'DK', is written above a solid horizontal line.

David L. Kreider, Esq.
Panelist

David L. Kreider, Examiner

Dated: August 23, 2022