

## Latest Court Decisions

**2013:**

**[February]**

- **CITIBANK.JP Case** (Lawsuit for Confirmation of Absence of the Right to Demand Injunction of Domain Name) **Tokyo District Court 2013.2.13 H24(Wa)2303**

A Japanese company, Citibank Japan KK, belonging to the US Citibank Group, demanded to transfer the domain name "**CITIBANK.JP**" to them which was registered by a Japanese company, NUS. The Japan Intellectual Property Arbitration Center (JIPAC) made a decision accepting Citibank Japan's such demand.

Then, NUS filed a lawsuit demanding confirmation that the defendant, Citibank Japan, had no right to prevent the plaintiff, NUS, from using the registered domain name "CITIBANK.JP".

However, while the owner or the exclusive licensee of the registered trademark can only prevent the others from using the domain name in question, the defendant was neither the owner nor the exclusive licensee of the trademark "CITIBANK" in Japan. Therefore the Court dismissed the plaintiff's claim because the defendant was not a right party against whom this lawsuit should be filed.

Before the dismissal, the Court suggested that the plaintiff should change the purpose of this claim to confirm that the plaintiff should be a lawful user of the subject domain name "CITIBANK.JP". However, the plaintiff did not comply with the Court's suggestion and the Court dismissed the plaintiff's claim.

Besides, the Court also said that the plaintiff had registered the subject domain name in a bad faith to sell it to the US Citibank at a very expensive price, which was against "JP Domain Name Dispute Resolution Policy" adopted by the Japan Network Information Center (JPNIC) on July 19, 2000.