

Domain Name Law and Practice

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| 17 March 2005 | Japan | Part IV: Court Litigation |
| | Type of update: Case law | |
| | <p>The plaintiff used “maxell” or “MAXCELL” as its business name. The names “maxell” and “MAXCELL” were famous in Japan before the Defendant registered the domain name “maxellgrp.com”. The defendant used “maxellgrp.com” and created a website to advertise his food shop. On 15 July 2004, the Osaka district court decided that the Defendant intended to gain an unfair profit and applied Sec. 2(12)* of the Unfair Competition Prevention Act to this case.</p> <p>http://courtdomino2.courts.go.jp/chizai.nsf/Listview01/0AE34AE2E9821AEB49256F4D00226B28/?OpenDocument</p> <p>* Pursuant to Sec. 2(1)(12) of the UCA, anyone who, with the intention of gaining an unfair profit or causing damage to a third party, acquires, possesses or uses a domain name, identical or similar to the specific indication of goods of another person commits an act of unfair competition.</p> | |