

## COMPLAINT TRANSMITTAL COVERSHEET

Attached is a Complaint that has been filed against you with the World Intellectual Property Organization (**WIPO**) Arbitration and Mediation Center (the **Center**) pursuant to the Uniform Domain Name Dispute Resolution Policy (the **Policy**) approved by the Internet Corporation for Assigned Names and Numbers (**ICANN**) on October 24, 1999, the Rules for Uniform Domain Name Dispute Resolution Policy (the **Rules**) approved by ICANN on September 28, 2013, and in effect as of July 31, 2015, and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the **Supplemental Rules**) in effect as of July 31, 2015.

The Policy is incorporated by reference into your Registration Agreement with the Registrar(s) of your domain name(s), in accordance with which you are required to submit to a mandatory administrative proceeding in the event that a third party (a **Complainant**) submits a complaint to a dispute resolution service provider, such as the Center, concerning a domain name that you have registered. You will find the name and contact details of the Complainant, as well as the domain name(s) that is the subject of the Complaint in the document that accompanies this Coversheet.

Once the Center has checked the Complaint to determine that it satisfies the formal requirements of the Policy, the Rules and the Supplemental Rules, it will forward an official copy of the Complaint, including annexes, to you by email as well as sending you hardcopy Written Notice by post and/or facsimile, as the case may be. You will then have 20 calendar days from the date of Commencement within which to submit a Response to the Complaint in accordance with the Rules and Supplemental Rules to the Center and the Complainant. You may represent yourself or seek the assistance of legal counsel to represent you in the administrative proceeding.

- The **Policy** can be found at <https://www.icann.org/resources/pages/policy-2012-02-25-en>
- The **Rules** can be found at <https://www.icann.org/resources/pages/udrp-rules-2015-03-11-en>
- The **Supplemental Rules**, as well as other information concerning the resolution of domain name disputes can be found at <http://www.wipo.int/amc/en/domains/supplemental/eudrp/newrules.html>
- A **model Response** can be found at <http://www.wipo.int/amc/en/domains/respondent/index.html>

Alternatively, you may contact the Center to obtain any of the above documents. The Center can be contacted in Geneva, Switzerland by telephone at +41 22 338 8247, by fax at +41 22 740 3700 or by email at domain.disputes@wipo.int.

You are kindly requested to contact the Center to provide an alternate email address to which you would like (a) the Complaint, including Annexes and (b) other communications in the administrative proceeding to be sent.

A copy of this Complaint has also been sent to the Registrar(s) with which the domain name(s) that is the subject of the Complaint is registered.

By submitting this Complaint to the Center the Complainant hereby agrees to abide and be bound by the provisions of the Policy, Rules and Supplemental Rules.

*Before the:*

**WORLD INTELLECTUAL PROPERTY ORGANIZATION  
ARBITRATION AND MEDIATION CENTER**

JPCERT Coordination Center  
Hirose Bldg. 11F, 3-17 Kanda-  
nishikicho Chiyoda-ku, Tokyo 101-  
0054, Japan

**(Complainant)**

-v-

Gina Piller, Pantry Food Stores  
4637 Harley Brook Lane  
Johnstown, PA 15904, Pennsylvania,  
US

**(Respondent)**

**Disputed Domain Name:**

jpcert.org

**COMPLAINT**

(Rules, Paragraph 3(b); Supplemental Rules, Paragraphs 4(a), 12(a), Annex E)

**I. Introduction**

[1.] This Complaint is hereby submitted for decision in accordance with the Uniform Domain Name Dispute Resolution Policy (the **Policy**), approved by the Internet Corporation for Assigned Names and Numbers (**ICANN**) on October 24, 1999, the Rules for Uniform Domain Name Dispute Resolution Policy (the **Rules**), approved by ICANN on September 28, 2013, and in effect as of July 31, 2015, and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the **Supplemental Rules**) in effect as of July 31, 2015.

**II. The Parties**

**A. The Complainant**

(Rules, Paragraphs 3(b)(ii) and (iii))

[2.] The Complainant in this administrative proceeding is JPCERT Coordination Center (Hirose Bldg. 11F, 3-17 Kanda-nishikicho Chiyoda-ku, Tokyo 101-0054, Japan ).

JPCERT Coordination Center is the first CSIRT (Computer Security Incident Response Team) established in Japan in 1996, and incorporated in 2003. (Corporate Registration Number by the Tokyo Legal Affairs Bureau: 9010005006504)

[3.] The Complainant's contact details are:

Address: Hirose Bldg. 10F, 3-17 Kanda-nishikicho Chiyoda-ku,  
Tokyo 101-0054, Japan  
Telephone: +81-3-3518-4600  
Fax: +81-3-3518-4602  
Email: global-cc@jpcert.or.jp

[4.] The Complainant's authorized representative in this administrative proceeding is:

Name Koichiro Komiyama  
Deputy Director, Global Coordination Division, JPCERT  
Coordination Center  
Address: Hirose Bldg. 10F, 3-17 Kanda-nishikicho Chiyoda-ku,  
Tokyo 101-0054, Japan  
Telephone: +81-3-3518-4600  
Fax: +81-3-3518-4602  
Email: global-cc@jpcert.or.jp

[5.] The Complainant's preferred method of communications directed to the Complainant in this administrative proceeding is:

Electronic-only material

Method: email  
Address: global-cc@jpcert.or.jp  
Contact: Koichiro Komiyama

Material including hardcopy (where applicable)

Method: FAX  
Address: n/a  
Fax: +81-3-3518-4602  
Contact: Koichiro Komiyama

**B. The Respondent**  
(Rules, Paragraph 3(b)(v))

[6.] According to WHOIS database, the Respondent in this administrative proceeding is as follows.

Name: Gina Piller  
Organization: Pantry Food Stores  
Address: 4637 Harley Brook Lane Johnstown, PA 15904  
Postal Code: 15904  
Country: US  
Phone: +1.8145778820  
Admin Email: GinaKPiller@india.com

The printout of the database search conducted on February 17<sup>th</sup>, 2017 is provided as Annex 1.

[7.] All information known to the Complainant regarding how to contact the Respondent: Complaint does not have any further contact detail other than the stated section II-  
[6.]

**III. The Domain Name and Registrar**  
(Rules, Paragraphs 3(b)(vi), (vii))

[8.] This dispute concerns the domain name identified below:  
jpcert.org registered on February 9<sup>th</sup>, 2017

[9.] The registrar with which the domain name is registered is:  
PDR Ltd. d/b/a PublicDomainRegistry.com (IANA ID: 303)

**IV. Language of Proceedings**  
(Rules, Paragraph 11)

[10.] To the best of the Complainant's knowledge, the language of the Registration Agreement is English, a copy of which is provided as Annex 2 to this Complaint. Therefore, the Complaint has been submitted in English.

**V. Jurisdictional Basis for the Administrative Proceeding**  
(Rules, Paragraphs 3(a), 3(b)(xiv))

[11.] This dispute is properly within the scope of the Policy and the Administrative Panel has jurisdiction to decide the dispute. The registration agreement, pursuant to which the domain name that is the subject of this Complaint is registered, incorporates the Policy. A true and correct copy of the domain name dispute policy that applies to the domain name in question is provided as Annex 2 to this Complaint and can be found at <https://publicdomainregistry.com/legal/> .

**VI. Factual and Legal Grounds**  
(Policy, Paragraphs 4(a), (b), (c); Rules, Paragraph 3)

[12.] This Complaint is based on the following grounds:

**A. The domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;**

(Policy, Paragraph 4(a)(i); Rules, Paragraphs 3(b)(viii), (b)(ix)(1))

- The Complainant (JPCERT Coordination Center) is a non-profit organization established in 1996 to coordinate computer security incidents and provide advisories for the Internet users in Japan and other countries. The Complainant registered and has been using its domain name <jpcert.or.jp> since its establishment. The Complainant provides security information to technical professionals worldwide through its website <[www.jpcert.or.jp/english/](http://www.jpcert.or.jp/english/)> and blog <[blog.jpcert.or.jp](http://blog.jpcert.or.jp)>.
- The Complainant also owns the trademark of “JPCERT/CC”, granted by the Japan Patent Office in May 2006. A copy of the Certification of Trademark Registration is provided as ANNEX 3.
- Although the official name of the Complainant is JPCERT Coordination Center, it commonly identifies itself as JPCERT for brevity. The domain name <jpcert.or.jp> and Twitter account (@jpcert\_en) are examples of the Complainant to be recognized as JPCERT.
- The disputed domain name comprises the mark “jpcert” in its entirety and gTLD ”org”.

**B. The Respondent has no rights or legitimate interests in respect of the domain name;**

(Policy, Paragraph 4(a)(ii); Rules, Paragraph 3(b)(ix)(2))

- The Complainant would like to stress that it has not licensed or otherwise permitted the Respondent to use any of its trademarks, nor has it licensed or otherwise permitted the Respondent to apply for or use any domain names incorporating any of those marks.
- To the best of the Complainant's knowledge, the Complainant is unable to find any association with the Respondent and JPCERT.
- With more than 20 years of experience, the Complainant has not heard of any organization, activity, project nor product identified as JPCERT except for the Complainant's own initiative.
- The Complaint also would like to allege that the word "JPCERT" is an invented word. It is an abbreviation for JaPan Computer Emergency Response Team. Therefore, it is not a word that a trader would rightly choose unless seeking to create an impression to associate with the Complainant.

**C. The domain name was registered and is being used in bad faith.**

(Policy, paragraphs 4(a)(iii), 4(b); Rules, paragraph 3(b)(ix)(3))

- The Complainant finds it highly unlikely that the Respondent was unaware of The Complainant's rights by the time it registered the disputed domain name, given the fact JPCERT is not a dictionary word and is an abbreviation for JaPan Computer Emergency Response Team.
- The Complainant alleges that the Respondent created the disputed domain name in a clear attempt to appear somehow related with the Complainant. Therefore, registering the disputed domain name seems to have a clear intention of creating a likelihood of confusion with the JPCERT trademark.
- The Complainant is a non-governmental organization whose main role is to coordinate computer security incidents related to networks in Japan, and its activities are commissioned by the Ministry of Economy, Trade and Industry (METI). The disputed domain, which appears to be impersonating the Complainant, may be leveraged for cyber security incidents, including illegitimately receiving sensitive information from the Complainant's constituencies or spreading false information. The Complainant holds serious concerns that its activities for common goodness could be abused in this regard.
- In the time of the complaint being filed, the domain name <jpcert.org> does not resolve to any web site. The Complainant understands that the circumstance satisfies the concept of "passive holding" for finding bad faith within the meaning of the third limb of paragraph 4(a) of the Policy which was first propounded in Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003 and subsequently developed by other UDRP panels.

**VII. Remedies Requested**  
(Rules, Paragraph 3(b)(x))

[13.] In accordance with Paragraph 4(i) of the Policy, for the reasons described in Section VI. above, the Complainant requests the Administrative Panel appointed in this administrative proceeding that jpcert.org be transferred to the Complainant.

**VIII. Administrative Panel**  
(Rules, Paragraph 3(b)(iv); Supplemental Rules, Paragraph 8(a))

[14.] The Complainant elects to have the dispute decided by a single-member Administrative Panel



**IX. Mutual Jurisdiction**  
(Rules, Paragraph 3(b)(xii))

[15.] In accordance with Paragraph 3(b)(xii) of the Rules, the Complainant will submit, with respect to any challenges that may be made by the Respondent to a decision by the Administrative Panel to transfer or cancel the domain name that is the subject of this Complaint, to the jurisdiction of the courts at the location of the domain name holder's address, as shown for the registration of the domain name in the concerned registrar's WHOIS database at the time of the submission of the Complaint to the Center.

**X. Other Legal Proceedings**  
(Rules, Paragraph 3(b)(xi))

**XI. Communications**  
(Rules Paragraph 3(b), Supplemental Rules, Paragraphs 3, 4, 12)

[17.] This Complaint has been submitted to the Center in electronic form, including annexes, in the appropriate format.

[18.] A copy of this Complaint has been transmitted to the concerned registrar on February 21<sup>st</sup>, 2017 in electronic form in accordance with paragraph 4(c) of the Supplemental Rules.

**XII. Payment**  
(Rules, Paragraph 19; Supplemental Rules Paragraph 10, Annex D)

[19.] As required by the Rules and Supplemental Rules, payment in the amount of USD 1500 has been made by credit card.

**XIII. Certification**  
(Rules, Paragraph 3(b)(xiii); Supplemental Rules, Paragraph 15)

[20.] The Complainant agrees that its claims and remedies concerning the registration of the domain name(s), the dispute, or the dispute's resolution shall be solely against the domain name holder and waives all such claims and remedies against (a) the WIPO Arbitration and Mediation Center and Panelists, except in the case of deliberate

wrongdoing, (b) the concerned registrar(s), (c) the registry administrator, (d) the Internet Corporation for Assigned Names and Numbers, as well as their directors, officers, employees, and agents.

[21.] The Complainant certifies that the information contained in this Complaint is to the best of the Complainant's knowledge complete and accurate, that this Complaint is not being presented for any improper purpose, such as to harass, and that the assertions in this Complaint are warranted under the Rules and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument.

Respectfully submitted,  
Koichiro Komiyama, JPCERT Coordination Center



Date: February 21<sup>st</sup>, 2017

**XIV. List of Annexes**

(Rules, Paragraph 3(b)(xiv); Supplemental Rules, Paragraphs 4(a), 12(a), Annex E)

Annex 1: JPCERT.ORG WHOIS Information

Annex 2: PublicDomainRegistry's DOMAIN REGISTRANT AGREEMENT

Annex 3: Certification of Trademark Registration