

Date	July 10, 2013	Court	Tokyo District Court, 29th Civil Division
Case number	2012 (Wa) 7616		
– A case in which the court granted an injunction against use of a domain under Article 2, paragraph (1), item (xii) of the Unfair Competition Prevention Act.			

The plaintiff runs a franchise chain using the name "CENTURY21." The defendant is the registered owner of a domain, "CENTURY21.CO.JP" (the "Domain"). The plaintiff filed this action to seek [i] an injunction against use of the Domain, cancellation of the registration thereof, and damages based on the franchise agreement or under Article 2, paragraph (1), item (xii), Article 3, and Article 4 of the Unfair Competition Prevention Act and to seek [ii] against the defendant the payment of an unpaid service fee claim of 55,329,175 yen, which the plaintiff has against Company A, with delay damages accrued thereon, based on the assertion that the defendant's legal personality is an abuse and should be equated with Company A.

In this judgment, [i] the court ruled that "CENTURY21" is the plaintiff's indication of specific goods, etc. and that the defendant's Domain, "CENTURY21.CO.JP," is similar thereto and the defendant is recognized as having the "purpose of gaining unfair profits." Based on this ruling, the court granted an injunction against use of the Domain and accepted a request for cancellation of the registration thereof and also awarded damages of 50,000 yen per month.

In addition, [ii] the court ruled that the defendant was established as a company for the illegal and unjust purpose of obstructing the plaintiff's compulsory execution against Company A and is controlled by the representative of Company A. Based on this ruling, the court also admitted payment of the debts by Company A based on the doctrine of denial of legal personality.