



DECISION OF THE THIRD-PARTY DECIDER
Complainant / Domain Name Holder
Case no. 444263 / minikaiyou.be

1. The Parties

1.1. Complainant:

Kai Company SPRL, 38 chaussée de Charleroi, 1380 Lasne, Belgium.

Represented by: Laurent Becker (Nameshield), 36 rue Delâage, 49100 Angers, France.

1.2. Domain Name Holder:

Rudis Berzins, Stirnu 47, LV-1084 Riga, Latvia.

No representative has been notified to CEPANI for the Domain Name Holder in the case file provided to the Third-Party Decider.

2. Domain name

Domain name: minikaiyou.be

Registered on: 30 April 2025

Hereafter referred to as "the Disputed Domain Name".

3. Procedure

On January 9, 2026, the Complaint was submitted under the CEPANI Rules for domain name dispute resolution (the "Rules") and the DNS Belgium dispute resolution policy incorporated in the Terms and conditions for ".be" domain name registrations (the "Policy").

On February 9, 2026, CEPANI appointed the undersigned as Third-Party Decider pursuant to Article 7.2 of the CEPANI Rules for domain name dispute resolution.

On February 16, 2026, the deliberations were closed, pursuant to Article 13 of the CEPANI Rules.

The Domain Name Holder did not submit a Response. Pursuant to Article 6.4 of the Rules, the proceedings therefore continue and the Third-Party Decider resolves the dispute on the basis of the Complaint alone.

In accordance with Article 11.4 of the Rules, the Third-Party Decider rules on the admissibility, relevance and weight of the evidence submitted."



4. Factual Background information

The Complainant states that it has been known to the public since 2008 under the trade name "KAIYOU" and that it communicates with customers through its website at <kaiyou.be>.

The Complainant further states that it owns several domain names containing the distinctive element "KAIYOU", including <kaiyou.be> (registered since 16 April 2008) and <petitkaiyou.be> (registered since 9 March 2020).

The Disputed Domain Name <minikaiyou.be> was registered on 30 April 2025 (Annex 4). The Complainant alleges that the Disputed Domain Name redirected internet users to pornographic websites, but Annex 5 does not identify the Disputed Domain Name (or any URL evidencing such redirection). The Third-Party Decider therefore makes no finding on this allegation.

The Complainant requests the transfer of the Disputed Domain Name .

5. Position of the parties

Position of the Complainant

The Complainant contends that:

(i) the Disputed Domain Name is confusingly similar to its trade name "KAIYOU", as it combines the element "Kaiyou" with the French adjective "Mini", which the Complainant characterises as a variant of "Petit Kaiyou";

(ii) the Domain Name Holder has no rights or legitimate interests in the Disputed Domain Name and is not affiliated with the Complainant; and

(iii) the Disputed Domain Name has been registered and is being used in bad faith, allegedly to exploit the Complainant's goodwill. The Complainant further alleges that the Disputed Domain Name redirected users to pornographic content ("porn-squatting").

Position of the Domain Name Holder

The Domain Name Holder did not file a Response to the Complaint.

6. Discussion and findings

Pursuant to Article 16.1 of the *CEPANI rules for domain name dispute resolution*, the Third-Party Decider shall rule on domain name disputes with due regard for the Policy and the CEPANI rules for domain name dispute resolution.



Pursuant to Article 10b (1) of the Terms and conditions of domain name registrations under the ".be" domain operated by DNS BE, the Complainant must provide evidence of the following:

- *"the registrant's domain name is identical or confusingly similar to a trademark, a trade name, a registered name or a company name, a geographical designation, a name of origin, a designation of source, a personal name or name of a geographical entity in which the complainant has rights; and*
- *the registrant has no rights or legitimate interests in the domain name; and*
- *the registrant's domain name has been registered or is being used in bad faith."*

6.1. The Domain Name is identical or confusingly similar to trademarks in which the Complainant has rights

Under Article 10b (1) of the Terms and conditions for ".be" domain name registrations, the first criterion is satisfied where the Disputed Domain Name is identical or confusingly similar to a protected sign in which the Complainant has rights, including a trade name.

The Complainant relies on its trade name "KAIYOU" and on its established use of that sign in Belgium, including through its domain name <kaiyou.be>.

The Disputed Domain Name is <minikaiyou.be>. Disregarding the ".be" extension (as is standard in domain name disputes), the string "minikaiyou" wholly incorporates the distinctive element "kaiyou", preceded only by the descriptive term "mini".

The addition of the prefix "mini" does not prevent a finding of confusing similarity. On the contrary, it may reinforce an association with a smaller or junior version of the Complainant's activities under the "KAIYOU" sign.

Accordingly, the Third-Party Decider finds that the Disputed Domain Name is confusingly similar to a trade name in which the Complainant has rights and that the first criterion is met.

6.2. The Domain Name Holder has no rights or legitimate interests in the Domain Name

The second criterion requires that the Domain Name Holder has no rights or legitimate interests in the Disputed Domain Name .

The Complainant established a prima facie case. The Complainant states that the Domain Name Holder is not commonly known by the designation "(mini)kaiyou", has no affiliation with the Complainant, and has not been authorised by the Complainant to register or use a domain name incorporating "KAIYOU".

The Domain Name Holder has not provided evidence of any bona fide offering of goods or services, or any legitimate non-commercial or fair use, connected to the designation "(mini)kaiyou". In the



absence of a Response, no evidence has been submitted to establish rights or legitimate interests of the Domain Name Holder.

Where the Complainant makes a prima facie showing that the Domain Name Holder lacks rights or legitimate interests, the burden of proof shifts to the Domain Name Holder. The Domain Name Holder may then rebut that showing by adducing evidence to the contrary, which it has not done in the present case. Consistent with prior case law, where the Domain Name Holder fails to file a response, the Complainant's position remains unrebutted (CEPANI Case No. 44222, Gebrola NV, 21 March 2011; CEPANI Case No. 44224, B.V. Albert Heijn, 4 March 2011).

Given the above, the Third-Party Decider finds that the second criterion is met.

6.3. The Domain Name Holder's Domain Name has been registered or is being used in bad faith

The third criterion is met if the Disputed Domain Name has been registered or is being used in bad faith.

As per previous caselaw, bad faith may be demonstrated by all means, including presumptions and circumstances" (CEPANI No. 44236, Duratherm, 28/7/2011). The notion of bad faith can be deduced from a set of circumstances showing the Domain Name Holder knew or should have known he was infringing the Complainant's rights (CEPANI No. 44252, Alessandro Trovato, 12/3/2012).

The Complainant states a longstanding use of the "KAIYOU" sign and its ownership of domain names incorporating that sign, including <kaiyou.be> registered since 2008.

The Disputed Domain Name incorporates the distinctive element "kaiyou" in its entirety. The Complainant has submitted evidence that an internet search for "Kaiyou" or "Mini Kaiyou" returns results relating to the Complainant and its restaurants (Annex 6). Notoriety of a trade name is a circumstance for proving bad faith, as it is likely the Domain Name Holder knew or should have known of its existence" (CEPANI No. 44231, Procter & Gamble, 27/4/2011). In the absence of any Response and any evidence of an independent rationale for the choice of that specific combination by the Domain Name Holder, the Third-Party Decider considers it more likely than not that the Domain Name Holder had the Complainant in mind when registering the Disputed Domain Name.

The Complainant previously owned Disputed Domain Name <minikaiyou.be>. The Domain Name Holder registered it immediately upon expiration (30 April 2025), demonstrating monitoring of the Complainant's domain and opportunistic registration.

In addition, the absence of response can be admitted with other circumstances as proof of bad faith (CEPANI No. 44236, Duratherm, 28/7/2011).

As regards the Complainant's allegation that the Disputed Domain Name redirected users to pornographic content, Annex 5 shows an adult-content landing page but does not identify the Disputed Domain Name (or any URL evidencing that the Disputed Domain Name resolves to that page). The Third-Party Decider therefore does not retain this allegation as established. The Third-Party Decider also notes that it is not in a position to independently verify the current content to which the



Disputed Domain Name may resolve; the assessment is therefore made on the basis of the evidence in the case file.

Taking into account (i) the distinctive character of the element "KAIYOU" as used by the Complainant in Belgium, (ii) the registration of the Disputed Domain Name long after the Complainant's use of that sign and its corresponding domain names, (iii) the lack of any evidence of rights or legitimate interests on the part of the Domain Name Holder, (iv) the fact that the Complainant previously owned Disputed Domain Name <minikaiyou.be> and that the Domain Name Holder registered it immediately upon expiration, and (v) the absence of any Response, the Third-Party Decider finds that the Disputed Domain Name was registered in bad faith. Since the Policy requires bad faith registration or use (in the alternative), the third criterion is met.

7. Decision

Consequently, pursuant to Article 10(e) of the Terms and conditions of domain name registrations under the ".be" domain operated by DNS BE, the Third-Party Decider hereby rules that the domain name registration for the "minikaiyou.be" **domain name is to be transferred to the Complainant.**

Place: Brussels

Date: 2 March 2026

Guillaume RUE

The Third-party Decider