Decision for dispute CAC-UDRP-107616

Case number	CAC-UDRP-107616
Time of filing	2025-06-19 11:51:52
Domain names	purinacareblog.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	Societe des Produits Nestle S.A.

Complainant representative

Organization	Thomsen Trampedach GmbH

Respondent

Name	Peter Zack

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Panel acknowledges that the Complainant owns a large portfolio of international trademarks for the term PURINA. Evidence has been provided appropriately as Attachment to its Complaint, to which the following examples are listed below:

The Complainant holds the following federal trademark registrations, registered in international class 31 and 29 (e.g. feeds for cats, birds, dog litter):

1) PURINA, No. 72179928, registered on June 30, 1964;

2) PURINA, No. 71023613, registered on March 5, 1907;

3) PURINA, No. 75738731, registered on October 24, 2000;

4) PURINA, International Trademark Registration No. 1423984, registered on August 8, 2018.

The Complainant also registered the word PURINA as domain name under several gTLDs and ccTLDs, as for example: <purina.com>, registered on January 2, 1996; among many others.

FACTUAL BACKGROUND

The Complainant is a wholly owned subsidiary of Nestlé S.A (the Nestlé Group), a Swiss limited liability Company founded in 1866 by Henri Nestlé. It sells products and services all over the world in various industries, with the largest product categories including coffee and beverages, confectionery, baby foods, bottled water, dairy products and breakfast cereals, and pet food. Furthermore, the Complainant is also active in the pharmaceutical and pet-care industries.

The Nestlé Group is the largest publicly traded food and nutritional products company in the world and has been since 2014. The Group ranks 106th in Fortune magazine's 2024 Fortune Global 500 list. The NESTLE brand has recently been recognized as the most valuable food brand in the world by independent publications such as Brand Finance.

The Complainant is the owner of the PURINA brand of pet food products, which has a significant history and reputation in its own respect, which brand traces its origins 1894. Currently, Purina PetCare is the largest pet food supplier in the world by revenue, having generated in excess of 21 billion USD in sales in 2023.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it, namely:

i) that the disputed domain name is confusingly similar to its trademarks for PURINA;

ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

iii) that the disputed domain name was registered, and is being used in bad faith to divert Internet users to the Respondent's webpage containing gambling material in Chinese language.

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

Under paragraph 4(a) of the Policy, the Complainant must prove each of the following:

(i) the domain name in issue is identical or confusingly similar to the Complainant's trademark or service mark; and

(ii) the Respondent has no rights or legitimate interests in respect of the domain name; and

(iii) the domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant is required under paragraph 4(a)(i) of the Policy to prove that the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights.

The Panel finds that the Complainant has shown rights in respect the PURINA trademark for the purposes of the Policy. WIPO Overview 3.0, section 1.2.1.

The disputed domain is confusingly similar to the Complainants PURINA trademarks, as the disputed domain name consists of the combination of the Complainant's mark PURINA, together with two generic terms - "care" and "blog".

Previous panels deciding under the UDRP have consistently held that the addition of generic or descriptive terms does not prevent a finding of confusing similarity (see WIPO Overview 3.0 at 1.8).

Therefore, this Panel finds that the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(a)(ii) of the Policy requires the Complainant to prove that the Respondent has no rights or legitimate interests with respect to the domain name. Where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element (according to paragraph 2.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Jurisprudential Overview 3.0").

The Complainant contends it is not privy to any information that would suggest that the Respondent is commonly known by the disputed domain name or a name corresponding to it. Apart from the evidence provided, the Panel also conducted independent searches and concluded that, according to the information available online as of this date, there is no evidence suggesting a connection or association between the Respondent and the disputed domain name and/or the term "Purina" (a term that does not have any generic meaning in English).

Additionally, as per the use of the disputed domain name, the Complainant states and provides evidence that the disputed domain name itself has not been used for any other purpose than to display a Chinese-language gambling site that displays no mention of "Purina Care Blog".

The Complainant states that there is no evidence of bona fide use by the Respondent of the disputed domain name, no evidence that the Respondent has been commonly known by the disputed domain name nor evidence of legitimate use.

The Panel finds that the Complainant has made out a prima facie case showing that the Respondent lacks rights or legitimate interests in the disputed domain name, so the burden of production shifts to the Respondent. As the Respondent has not replied to the Complainant's contentions, according to the above-mentioned guidelines from WIPO Overview 3.0, section 2.1, the Respondent's silence and lack of a response suggests that Respondent has no rights or legitimate interests in the disputed domain name that it could put forward, as the Complainant's statements remain unrebutted.

For all the above, the Panel finds that the requirement of the second element of paragraph 4(a) of the Policy is also satisfied.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy sets out examples of circumstances that will be considered by the Panel to be evidence of the bad faith registration and use of a domain name, namely:

(i) selling or transferring the domain name for profit;

(ii) preventing the trademark owner from reflecting the mark in a corresponding domain name;

(iii) registering the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) using the domain name, to intentionally attract Internet users to said web site for commercial gain.

In the present case, the Panel is of the opinion that the Respondent is well aware of the Complainant's PURINA trademark and is just seeking to take advantage of this reputation. The Panel concurs with the Complainant that the Respondent deliberately targeted the Complainant's trademark prior to the registration of the disputed domain name, which is confusingly similar to an internationally used and known trademark.

Regarding the use of the disputed domain name in bad faith, as per the evidence provided by the Complainant, the Panel also notes that the disputed domain name has not been used for any other purpose than to display a Chinese-language gambling site that displays no mention of "Purina Care Blog".

The Panel tried to access the disputed domain name and found that, as of this date, it no longer resolves to an active website (e.g. constantly resolving to an insecure network with a blank site). The factors usually considered to find "passive holding" set out in a number of earlier decisions of UDRP panels, are considered to be also met in the present case. Specifically (i) the Complainant's famous trademark, (ii) the Respondent failing to submit a response to the Complaint, (iii) the Respondent taking steps to conceal its identity through use of a privacy service and/or false contact details), and (iv) the implausibility of any good faith use to which the

domain name may be put." (paragraph 3.3 of the WIPO Jurisprudential Overview 3.0; Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003).

For all the reasons set out above, the Panel finds that the Respondent both registered and used the disputed domain name in bad faith under the Policy. Therefore, the Complainant has established all three requirements under the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **purinacareblog.com**: Transferred

PANELLISTS

Name	**Laura Martin-Gamero Schmidt**

DATE OF PANEL DECISION 2025-08-11

Publish the Decision