Decision for dispute CAC-UDRP-107744

Case number	CAC-UDRP-107744
Time of filing	2025-08-07 09:24:08
Domain names	getneuropure.com

Case administrator

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

Complainant

Organization	Sociéte des Produits Nestlé S.A.

Complainant representative

Organization	Thomsen Trampedach GmbH

Respondent

Organization	NeuroPure

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 Complainant is a registered owner of the following trademark containing a word element "NEUROPURE”:

- NEUROPURE (word), US national trademark, registration date 13 May 2025, trademark registration no. 7790279, registered for goods the international class 5.

(referred to as "Complainant's Trademark").

FACTUAL BACKGROUND

The **Complainant,** Société des Produits Nestlé S.A., is a wholly owned subsidiary of Nestlé S.A., the principal operating company within the globally recognized Nestlé Group, which was founded in 1866 by Henri Nestlé.

The Complainant owns most trademarks registered by the Nestlé Group, which is the world’s largest publicly traded food and nutrition company.

The Group operates in 190 countries, employs approximately 275,000 individuals globally, maintains a physical presence in 80 countries, and is ranked 106th on the Fortune Global 500 list for 2024. Independent experts such as Brand Finance have recognized

the NESTLE brand as the most valuable food brand internationally.

The Complainant's group offers a broad range of products, including dietary supplements under several brands. Among these brands is Pure Encapsulations, which focuses on high-quality, hypoallergenic supplements, and was acquired by the Complainant in 2017. In 2012, Pure Encapsulations launched the "Integrative Mental Health Series," a product line developed with Dr. James Greenblatt, with one of the key products being NeuroPure.

NeuroPure is formulated to support serotonin and dopamine production and has been marketed continuously in the United States since its introduction.

The **disputed domain name** was registered on 23 July 2021 and is held by the Respondent.

The **disputed domain name website** (i.e. website available under internet address containing the disputed domain name) resolves to a website hosting an online shop that offers products apparently competing with those of the Complainant. The site promotes a dietary supplement originally marketed as NeuroPure (later rebranded as Nerve Soothe after the Complaint was filed), which is presented as supporting nerve health. The website provides details on the product's ingredients, describes potential benefits for the nervous system, includes user testimonials, and enables direct online ordering.

PARTIES CONTENTIONS

COMPLAINANT:

A) CONFUSING SIMILARITY

The Complainant states that:

- The disputed domain name is identical to Complainant's Trademarks as they both incorporate the "NEUROPURE" word element of the Complainant's trademark in its entirety and the "GET" element must be disregarded as generic and descriptive.
- In this case, the addition of the word "get" reinforces the connection with the Complainant's mark, as Internet users are likely to perceive it as an invitation to obtain or purchase NEUROPURE product.
- The Complainant refers to previous domain names decisions in this regard.

Thus, according to the Complainant the confusing similarity between Complainant's trademarks and the disputed domain name is clearly established.

B) NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant states that:

- The Respondent has not been commonly known by the disputed domain name and holds no rights to it. On 1 September 2022, Scott Goodman, believed to be affiliated with the Respondent, applied for a U.S. trademark registration for "NEUROPURE". However, on 31 March 2023, the USPTO refused the application.
- The Complainant has not authorized, permitted or licensed the Respondent to use Complainant's trademark in any manner. The Respondent has no connection or affiliation with the Complainant. whatsoever. On this record, Respondent has not been commonly known by the disputed domain name.
- The Respondent has used the disputed domain name solely to market neurological supplements under the "NeuroPure" name, directly overlapping with the Complainant's field of use. Such conduct is not bona fide, as it exploits the Complainant's mark and creates a false impression of affiliation.
- Such use is not a bona fide offering of goods or services or legitimate non-commercial or fair use.
- The Complainant refers to previous domain names decisions in this regard.

C) BAD FAITH REGISTRATION AND USE

The Complainant states that:

- Although the disputed domain name was registered before the Complainant registered Complainant's Trademark, valid unregistered trademark rights in NEUROPURE had already been established by 2021 (date of registration of the disputed domain name).
- Products under NEUROPURE brand were launched by the Complainant in 2012 and promoted consistently for nearly a decade before registration of the disputed domain name. Sales figures show steady growth, from 1,503 bottles sold in 2013 to 2,128 in 2021.

- NEUROPURE had acquired secondary meaning in the U.S. market well before the disputed domain was registered.
- Given that the Respondent also operates in the neurological supplements sector, the Complainant considers it improbable that the domain name was selected by chance.
- Even if the Respondent was unaware of NEUROPURE at registration, its conduct amounts to willful blindness, as a simple online search would have revealed the Complainant's rights.
- The Respondent has also acted in bad faith by using the disputed domain name to host an e-commerce site selling supplements under the "NEUROPURE" name.
- The Complainant contends the Respondent has attempted to attract Internet users thanks to the Complainant's trademarks for its own commercial gain, which is an evidence of bad faith.
- The Complainant refers to previous domain names decisions in this regard.

RESPONDENT:

The Respondent has not provided any response to the Complaint.

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

A) RIGHTS

Since the disputed domain name and the Complainants' trademark are not identical, the key element investigated and considered by the Panel is whether the disputed domain name is confusingly similar to the Complainants' trademark.

The threshold test for confusing similarity under the UDRP involves a comparison between the trademark and the disputed domain name itself to determine the likelihood of Internet users´ confusion. In order to satisfy this test, the relevant trademark would generally need to be recognizable as such within the disputed domain name. An addition of common, dictionary, generic, or other descriptive terms is typically insufficient to prevent threshold Internet user confusion. A Confusing similarity test under the UDRP typically involves a straightforward visual and aural comparison of the trademark with the domain name in question.

Applying the principles described above, the Panel contends that incorporation of a dominant "NEOPURE" element of Complainant's trademark (which standalone enjoys a high level of distinctiveness) into the disputed domain name constitutes confusing similarity between Complainant's trademark and the disputed domain name.

Addition of non-distinctive elements – a generic word "GET" - cannot prevent the association in the eyes of internet consumers between the disputed domain name and the Complainant's trademark and thus the likelihood of confusion still exists. On the contrary, the addition of the word "get" reinforces the connection with the Complainant's trademark, as Internet users are likely to perceive it as an invitation to obtain or purchase NEUROPURE products through the disputed domain name.

For the sake of completeness, the Panel asserts that the top-level suffix in the disputed domain name (i.e. the ".com") must be disregarded under the identity and confusing similarity tests as it is a necessary technical requirement of registration.

B) NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant asserts that the Respondent is not commonly known by the disputed domain name and has never been affiliated with or authorized by the Complainant. This suffices to establish a prima facie case that the Respondent lacks rights or legitimate interests. The burden therefore shifts to the Respondent to demonstrate such rights or interests.

The Respondent has used the disputed domain name solely to market neurological supplements under the names "NeuroPure" and later "Nerve Soothe," which directly overlap with the Complainant's field of use. This cannot be considered a bona fide offering, as it trades on the Complainant's Trademark and creates a false impression of affiliation.

Moreover, the products offered on the website are not genuine products of the Complainant or its affiliates. The Respondent has provided no evidence to show it holds any rights or legitimate interests in the disputed domain name.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name within the meaning of paragraph 4(a)(ii) of the Policy.

C) BAD FAITH

1) Registration in Bad Faith
The disputed domain name was registered before the Complainant's Trademark was formally registered. While UDRP panels generally hold that prior registration precludes a finding of bad faith, exceptions exist in specific circumstances. Panels may still find bad faith registration where:

a) Prior Unregistered Rights – The Complainant can show unregistered trademark rights, reputation, or goodwill in the mark before the domain name registration. Evidence of prior use and consumer recognition may suffice.

b) Willful Blindness – The Respondent deliberately avoided checking for existing unregistered rights before registering the domain name. Panels have held that failure to perform even basic searches, particularly in related industries, can amount to bad faith, as registrants are expected to conduct reasonable due diligence.

Although these exceptions are applied narrowly, the Panel finds, on the balance of probabilities, that both are present here. The Respondent provided no explanation for its choice of the disputed domain name, and the record supports findings under both (a) and (b).

The Panel notes that the Respondent has chosen not to file a Response. In these circumstances, the Panel accepts as uncontested the Complainant's assertions concerning the Respondent's bad faith registration of the disputed domain name.

The Panel therefore concludes that the domain name was registered in bad faith.

2) Use in Bad Faith
As set out above (see section "No Rights or Legitimate Interest"), the Respondent has used the disputed domain name to attract Internet users for commercial gain. Once the registered Complainant's Trademark rights arose, the Respondent's continued use of the domain name to market competing supplements created a likelihood of confusion and constitutes bad faith use under the Policy.

Accordingly, the Panel concludes that the disputed domain name has been both registered and used in bad faith within the meaning of paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **getneuropure.com**: Transferred

PANELLISTS

Name	**Jiří Čermák**

DATE OF PANEL DECISION 2025-09-15