Decision for dispute CAC-UDRP-107745

Case number	CAC-UDRP-107745
Time of filing	2025-08-25 12:55:11
Domain names	maggipoints.com, maggiepoints.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Société des Produits Nestlé S.A.

Complainant representative

Organization	Thomsen Trampedach GmbH

Respondent

Name	Kam Luther

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 names.

IDENTIFICATION OF RIGHTS

The Complainant has provided evidence of ownership of the following trademarks:

- **International trademark MAGGI** registered on January 7, 1971, under No. 375835, duly renewed and designating goods in international classes 01, 05, 29, 30, 31 and 32;
- **US trademark MAGGI** registered on January 02, 1940, under No. 374072, duly renewed and designating goods in international classes 01, 05, 29, 30, 31 and 32;
- **US trademark MAGGI** registered on August 07, 2012, under No. 4186625, duly renewed and designating goods in international class 30;
- **US trademark MAGGI** registered on August 25, 1981, under No. 1166673, duly renewed and designating goods in international class 29;

FACTUAL BACKGROUND

The Complainant, Société des Produits Nestlé S.A., is a wholly owned subsidiary of Nestlé S.A., the main operating company in the Nestlé group. The Nestlé Group is active in the sale of food products and related services worldwide. The Complainant has provided evidence of ownership of the registrations for the marks "**MAGGI**".

The disputed domain names **<maggipoints.com>** and **<maggiepoints.com>** were registered respectively on May 5, 2023 and April 8, 2023.

PARTIES CONTENTIONS

COMPLAINANT:

The disputed domain name is confusingly similar to the Complainant's trademarks MAGGI, with the addition of the generic term "points" and the letter "e" in one of the disputed domain names. The Complainant submits that these additions are not sufficient to discard the confusing similarity. The top-level domain does not change the overall impression that the disputed domain name is connected to the Complainant.

The Respondent has not used the disputed domain names in relation to a bona fide offering of goods or services, as they were used in connection with a website offering similar goods to those covered by the trademarks of the Complainant. The disputed domain names now resolve to an error page and an active page with no connection to the Complainant. The Complainant additionally submits that the Respondent is not commonly known by the disputed domain names and has acquired no trademarks.

As regards the bad faith of the Respondent, the disputed domain names include the well-known trademark MAGGI and create a false affiliation with the Complainant. The Respondent has used the MAGGI mark as a source identifier in an appropriation of the Complainant's mark and goodwill. It is reasonable to infer that the Respondent has registered the domain names with full knowledge of the Complainant's trademarks.

RESPONDENT:

No administratively compliant response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names are 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 names (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 names have been registered and are 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

Notwithstanding the fact that no Response has been filed, the Panel shall consider the issues present in the case based on the

statements and documents submitted by the Complainant.

Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following elements:

1. that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
2. that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
3. that the disputed domain name was registered and is being used in bad faith

A) Identical or Confusingly Similar

The Complainant must establish that it has a trademark or service mark and that the disputed domain names are identical or confusingly similar to that trademark or service mark for the Complainant to succeed.

The Complainant, Boehringer Ingelheim Animal Health France, is an international leader in the pet and equine markets. The Complainant has provided evidence of ownership of the registrations for the mark "**MAGGI**".

As regards the question of identity or confusing similarity for the purpose of the Policy, it requires a comparison of the disputed domain name with the trademarks in which the Complainant holds rights. According to section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), "this test typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name".

Also, according to section 1.7 of the WIPO Overview 3.0, "in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing".

The disputed domain names wholly incorporate the Complainant's trademarks "**MAGGI**", together with the generic term "points" and the letter "e". These additions are not sufficient to avoid a finding of confusing similarity, in particular because the Complainant's trademarks are easily recognizable within the disputed domain names.

It is well accepted by UDRP panels that a generic Top-Level Domain ("gTLD"), such as ".icu", is typically ignored when assessing whether a domain name is identical or confusingly similar to a trademark.

This Panel concludes that the disputed domain names are strictly identical to the Complainant's trademark and therefore finds that the requirements of paragraph 4(a)(i) of the Policy are satisfied.

B) Rights or Legitimate Interests
Under paragraph 4(c) of the Policy, any of the following circumstances, if found by the Panel, may demonstrate the respondent's rights or legitimate interests in the disputed domain name:

1. before any notice to it of the dispute, the respondent's use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services; or
2. the respondent has been commonly known by the disputed domain name, even if it has acquired no trademark or service mark rights; or
3. the respondent is making a legitimate non-commercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The consensus view of UDRP panels on the burden of proof under paragraph 4(a)(ii) of the Policy is summarized in section 2.1 of the WIPO Overview 3.0, which states: "[…] 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."

The record shows that the Respondent uses the Complainant's trademark in the disputed domain names and on the content of the website associated with that domain name without authorization from the Complainant. The Respondent creates a false impression of affiliation with the Complainant and its marks.

Additionally, the evidence on record does not show that the Respondent was commonly known, as an individual or an organization, by the disputed domain names.

The Panel concludes that the Respondent has no right or legitimate interests in the disputed domain name and therefore finds that the requirements of paragraph 4(a)(ii) of the Policy are satisfied.

C) Registration and Use in Bad faith
For the purpose of Paragraph 4(a) (iii) of the Policy, the following circumstances, in particular but without limitation, if found by the panel to be present, shall be evidence of the registration and use of the domain name in bad faith:

1. circumstances indicating that the holder has registered or has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of the holders documented out-of-pocket costs directly related to the domain name; or
2. the holder has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the holder has engaged in a pattern of such conduct; or
3. the holder has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
4. by using the domain name, the holder has intentionally attempted to attract, for commercial gain, Internet users to the holder's website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on the holder's website or location.

The Panel considers that the Respondent's conduct in this case constitutes bad faith registration and use of the disputed domain names within the meaning of paragraphs 4(a)(iii) and 4(a)(iv) of the Policy. The evidence on the record shows that the Respondent was certainly aware of the existence of the Complainant and of the rights of the Complainant, and that the Respondent, by registering and using the disputed domain names has intentionally attracted internet users by creating a likelihood of confusion with the Complainant's trademark, for commercial gain.

The Complainant’s trademarks are so widely well-known and have enjoyed such a long-standing reputation that it is inconceivable that a third party would register any domain name reproducing the marks without prior knowledge.

There is also evidence of bad faith use, in that the Respondent has used one of the disputed domain names in relation to a restaurant using the colors and graphic identity of the Complainant’s trademark **MAGGI**.

The Panel concludes that the Respondent has registered and is using the disputed domain names in bad faith, and finds that the requirements of paragraph 4(a)(iii) of the Policy are satisfied.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **maggipoints.com**: Transferred
2. **maggiepoints.com**: Transferred

PANELLISTS

Name	**Arthur Fouré**

DATE OF PANEL DECISION 2025-10-03

Publish the Decision