Decision for dispute CAC-UDRP-107997

Case number	**CAC-UDRP-107997**
Time of filing	**2025-10-21 11:03:17**
Domain names	**vitalproteinns.com**

Case administrator

Name	**Olga Dvořáková (Case admin)**

Complainant

Organization	**Société des Produits Nestlé S.A.**

Complainant representative

Organization	**Thomsen Trampedach GmbH**

Respondent

Name	**(Zhai Guo Rui)**

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

“VITAL PROTEINS”

- VITAL PROTEINS 5038917 2016 9 13 05
- VITAL PROTEINS 5801541 2019 7 9 05
- VITAL PROTEINSEUIPO 19068248 2024 12 27 05

FACTUAL BACKGROUND

Société des Produits Nestlé S.A.Nestlé S.A.·Henri Nestlé 1866

190 27.5 80 2014 2024 500 106 Brand Finance

VITAL PROTEINS 2013 2020 VITAL PROTEINS VITAL PROTEINS Whole FoodsTargetCostco Amazon www.vitalproteins.com Inc. 2022 “”

2025 8 23

LINDT VITAL PROTEINS

PARTIES CONTENTIONS

(Complainant's Contentions)

(i)

"Identification of Rights" VITAL PROTEINS

<vitalproteinns.com> "VITAL PROTEINS""n" typosquatting

(ii)

(a)

(b)

Vital Proteins
"" *UDRP Overview 3.0* 2.5

(c) Oki Data /

Oki Data ""
""

(iii) Policy Paragraph 4(a)(iii)

(a)

- 2025 8 23 "VITAL PROTEINS"
- "Vital Proteins" 11
-

UDRP Overview 3.0 3.1.4

(b)

- Vital Proteins
- phishing *UDRP Overview 3.0* 3.4
- 4(b)(iv)

Respondent's Contention

RIGHTS

4(a)(i)

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

4(a)(ii)

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

4(a)(iii)

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

UDRP

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

“”15(a)4(a)

1
2
3

5(f)14(a)15(a)14(b) *Vertical Solutions Mgmt., Inc. v. webnetmarketing, inc.*, FA 95095 (FORUM July 31, 2000) (holding that the respondent’s failure to respond allows all reasonable inferences of fact in the allegations of the complaint to be deemed true); see also *Talk City, Inc. v. Robertson*, D2000-0009 (WIPO Feb. 29, 2000) (“In the absence of a response, it is appropriate to accept as true all allegations of the Complaint.”).

Trademark Rights

VITAL PROTEINS “Identification of Rights” UDRP VITAL PROTEINS

<vitalproteinns.com> VITAL PROTEINS “VITAL PROTEINS” “n”“typosquatting”

WIPO UDRP Overview 3.0 1.9

VITAL PROTEINS

No Rights or Legitimate Interests)

4(a)(ii) prima facie case Section 2.1, WIPO Jurisprudential Overview 3.0 ("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.").

4(c)(ii) WHOIS WHOIS “Zhai Guo Rui” 4(c)(ii) “”

VITAL PROTEINS VITAL PROTEINS

fair use *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903 <okidataparts.com> OKIDATA 4(c)(i)

-
- “”
-
-

4(c)(i) 4(c)(iii) *Würth International AG v. Mandy Mohr*, CAC-UDRP-107275 (CAC March 17, 2025) (holding that the use of a domain name to feature the complainant's mark and related content did not qualify as a bona fide offering or a legitimate noncommercial use under Policy paragraph 4(c)(i) or (iii)).

prima facie case 4(a)(ii)

Bad Faith Registration and Use

4(b)

i

ii

iii

iv

4(b)(iii) "" 4(b)(iv) *Xiaomi Inc. v. Nguyễn Đức Đạt (N/A)*, CAC-UDRP-107237 (CAC Feb. 12, 2025) (finding that the respondent's use of a disputed domain name to offer competing products disrupted the complainant's business and misled Internet users by falsely suggesting affiliation with the complainant, thereby supporting a finding of bad faith registration and use under Policy paragraph 4(b)(iv)).

VITAL PROTEINS VITAL PROTEINS

4(b)(iii) 4(b)(iv)

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **vitalproteinns.com**: Transferred

PANELLISTS

Name	**Mr. Ho-Hyun Nahm Esq.**

DATE OF PANEL DECISION 2025-11-21

Publish the Decision