Decision for dispute CAC-UDRP-107996

Case number	CAC-UDRP-107996
Time of filing	2025-10-21 11:03:06
Domain names	coffeematestore.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Société des Produits Nestlé S.A.

Complainant representative

Organization	Thomsen Trampedach GmbH

Respondent

Name	ceping li

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 invokes various trademarks including the following:

- COFFEE MATE, Unites States of America ("U.S.") trademark registration number 969734, registered on October 2nd, 1973 in class 29 for "Liquid non-dairy coffee creamer";
- COFFEE MATE, U.S. trademark registration number 4913646, registered on March 8th, 2016 in classes 29 and 30 for "Dairy-based creamers; Coffee creamers; Coffee-based beverage mixes; iced coffee".

FACTUAL BACKGROUND

The Complainant in this case, Société des Produits Nestlé S.A., is a wholly owned subsidiary of Nestlé S.A., the main operating company in the Nestlé Group founded by Henri Nestlé in 1866. The Complainant owns the majority of the trademarks held by the Nestlé Group.

The Nestlé Group is active in the sale of food products and related services worldwide, with the largest product categories including coffee and beverages, pet food, confectionery, baby foods, bottled water, dairy products and breakfast cereals. The Nestlé Group markets its products in 190 countries, has about 275 000 employees worldwide, and has a physical presence in 80 countries.

The Complainant is the owner of numerous registered trademarks, including the abovementioned COFFEE MATE trademarks which it uses in connection with the sale of i.a. coffee creamers and coffee-based beverages.

The disputed domain name <coffeematestore.com> was registered on April 10, 2025. The disputed domain name appears to resolve to a website displaying products of the Complainant under the Complainant's COFFEE MATE mark.

On July 21, 2025, the Complainant's representative sent a message to the email address indicated on the disputed domain name's landing site, claiming that the disputed domain name and associated website infringe the Complainant's rights. Apparently, no response was received.

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.
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

Paragraph 15 of the Rules provides that the Panel is to decide the complaint on the basis of the statements and documents submitted in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

The onus is on the Complainant to make out its case and it is apparent, both from the terms of the Policy and the decisions of past UDRP panels, that the Complainant must show that all three elements set out in Paragraph 4 (a) of the Policy have been established before any order can be made to transfer a domain name. As the proceedings are administrative, the standard of proof is the balance of probabilities.

Thus, for the Complainant to succeed it must prove, within the meaning of Paragraph 4(a) of the Policy and on the balance of probabilities that:

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

The Panel has therefore dealt with each of these requirements in turn.

1. Identity of confusing similarity

The Complainant must first establish that there is a trademark or service mark in which it has rights. Since the Complainant shows to be the holder of the registered COFFEE MATE trademark, which is used in connection with some of the Complainant's products, it is established that there is a trademark in which the Complainant has rights.

The disputed domain name <coffeematestore.com> incorporates the Complainant's COFFEE MATE trademark in its entirety, merely adding the term "store". In the Panel's view, this addition does not prevent the Complainant's trademark from being recognizable within the disputed domain name (see section 1.8 WIPO Overview 3.0; IM PRODUCTION v. Xue Han, CAC Case No. 104877 <isabel-marantus.com>).

Additionally, it is well established that the Top Level Domains ("TLDs") such as ".com" may be disregarded when considering whether the disputed domain name is identical or confusingly similar to the trademark in which the Complainant has rights (see section 1.11 WIPO Overview 3.0).

Therefore, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark. Accordingly, the Complainant has made out the first of the three elements that it must establish.

2. No rights or legitimate interests

Under paragraph 4(a)(ii) of the Policy, the Complainant has the burden of establishing that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

It is established case law that it is sufficient for the Complainant to make a prima facie showing that the Respondent has no right or legitimate interest in the disputed domain name in order to shift the burden of proof to the Respondent (see section 2.1 WIPO Overview 3.0 and Champion Innovations, Ltd. V. Udo Dussling (45FHH), WIPO case No. D2005-1094; Croatia Airlines d.d. v. Modern Empire Internet Ltd., WIPO case No. D2003-0455; Belupo d.d. v. WACHEM d.o.o., WIPO case No. 2004-0110).

The Panel notes that the Respondent does not seem to be commonly known by the disputed domain name and that the Respondent has not acquired trademark or service mark rights. According to the information provided by the Registrar, the Respondent is known as "ceping li". The Respondent's use and registration of the disputed domain name were not authorized by the Complainant. There are no indications that a connection between the Complainant and the Respondent existed.

Fundamentally, a respondent's use of a domain name will not be considered "fair" if it falsely suggests affiliation with the trademark owner. The correlation between a domain name and the complainant's mark is often central to this inquiry.

Generally speaking, UDRP panels have found that where a domain name consists of a trademark plus an additional term, such a composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner (see section 2.5.1 WIPO Overview 3.0). The disputed domain name incorporates the Complainant's COFFEE MATE trademark in its entirety, merely adding the descriptive term "store" which can be obviously linked to the Complainant's business. In the Panel's view, the disputed domain name carries a risk of implied affiliation with the Complainant and cannot constitute fair use.

Moreover, the Panel observes that the disputed domain name appears to resolve to a website with content impersonating the Complainant's product range. The Panel finds that this does not amount to a bona fide offering of goods or services, or a legitimate noncommercial or fair use of the disputed domain name. UDRP panels have categorically held that the use of a domain name for illegitimate activity (e.g. impersonation/passing off) can never confer rights or legitimate interests on a respondent (see section 1.13 of the WIPO Overview 3.0).

The Respondent had the opportunity to demonstrate its rights or legitimate interests but did not do so. In the absence of a Response from the Respondent, the prima facie case established by the Complainant has not been rebutted.

Therefore, the Panel finds that the Complainant has established that the Respondent has no rights or legitimate interests in the disputed domain name. In light of the above, the Complainant succeeds on the second element of the Policy.

3. Bad faith

The Complainant must prove on the balance of probabilities that the disputed domain name was registered in bad faith and that it is being used in bad faith (see section 4.2 WIPO Overview 3.0 and e.g. Telstra Corporation Limited v. Nuclear Marshmallow, WIPO Case No. D2000-0003; Control Techniques Limited v. Lektronix Ltd, WIPO Case No. D2006-1052).

According to the Panel, the awareness of a respondent of the complainant and/or the complainant's trademark rights at the time of registration can evidence bad faith (see Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz, WIPO Case No. D2011-2209; Nintendo of America Inc v. Marco Beijen, Beijen Consulting, Pokemon Fan Clubs Org., and Pokemon Fans Unite, WIPO Case No. D2001-1070).

In the instant case, the Panel finds that the Respondent must have had knowledge of the Complainant's rights in the COFFEE MATE trademark at the moment it registered the disputed domain name, since:

- the disputed domain name incorporates the Complainant's trademark in its entirety and combines it with a descriptive term which can be easily linked to the Complainant's business;
- some of the Complainant's marks predate the disputed domain name by more than 50 years; and

- the website associated with the disputed domain name seems to advertise products of the Complainant bearing the official logo.

In the Panel's view, the circumstances of this case indicate that the Respondent has intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant and the Complainant's trademarks (see section 3.2.4, WIPO Overview 3.0).

Finally, the Respondent did not formally take part in the administrative proceedings. According to the Panel, this serves as an additional indication of the Respondent's bad faith.

Therefore, the Panel finds that, on the balance of probabilities, it is sufficiently shown that the disputed domain name was registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **coffeematestore.com**: Transferred

PANELLISTS

Name	**Flip Petillion**

DATE OF PANEL DECISION 2025-11-28

Publish the Decision