Decision for dispute CAC-UDRP-108579

Case number	CAC-UDRP-108579
Time of filing	2026-04-20 08:10:53
Domain names	nestleoficial.info

Case administrator

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

Complainant

Organization	Société des Produits Nestlé S.A.

Complainant representative

Organization	Thomsen Trampedach GmbH

Respondent

Name	Joao Miranda

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

Complainant owns registered trademarks for the term NESTLE in almost all jurisdictions, worldwide. For example, Complainant owns an international trademark registration under the Madrid Protocol for the trademark NESTLÉ, registered on 10 December 2002 with registration number 793804, designating over 20 countries.

Complainant also owns extensive trademark registrations covering Spanish- and Portuguese-speaking markets, including registrations in Brazil, including but not limited to, registrations for the NESTLÉ mark before the EUIPO and the Brazilian National Institute of Industrial Property, covering food products, beverages, and related goods and services, inter alia:

EUIPO, NESTLE, reg. no. 002977569, registered on May 25, 2004;

INPI Brazil, NESTLE, reg. no. 003485471, registered on January 10, 1957;

INPI Brazil, NESTLE, reg. no. 740152726, registered on August 8, 1982;

INPI Brazil, NESTLE, reg. no. 007547293, registered on September 9, 1982;

INPI Brazil, NESTLE, reg. no. 007547307, registered on February 2, 1982;

INPI Brazil, NESTLE, reg. no. 750059168, registered on March 2, 1982.

Complainant has submitted evidence of the above-mentioned registrations via either a copy of the registration certificate (International trademark) or print screens from the official databases (EUIPO and INPI).

FACTUAL BACKGROUND

Complainant, 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. Complainant owns the majority of the trademarks held by the Nestlé Group, including the emblematic NESTLE trademarks, well-known worldwide. The Nestlé Group is active in the sale of food products and related services around the globe, with the largest product categories including coffee and beverages, pet food, confectionery, baby foods, bottled water, dairy products, supplements 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 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. Evidence of the rankings as well as a company description are enclosed to the Complaint.

Complainant discovered that the disputed domain name <nestleoficial.info> was registered by a third party on 29 August 2025. This domain name contains the famous NESTLE trademark, but its registration was carried out without any authorization from Société des Produits Nestlé. Respondent uses a privacy protection service and was therefore unknown to Complainant, until recently when its truly identify was disclosed by the registrar.

According to Complainant, since its registration, the disputed domain name has not been used for any genuine or legitimate active website. Instead, it resolves to a registrar-generated parking page displaying sponsored links related to Complainant and its field of activity. The latter could not be verified by the Panel as the enclosed evidence material only shows that the disputed domain name is parked by registrar Dynadot.

Respondent is Joao Miranda from Sao Paolo, Brazil. The disputed domain name was registered later than any of the to the Complaint belonging enclosed trademarks for NESTLE.

PARTIES CONTENTIONS

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

According to the Policy paragraph 4(a)(i) it needs first to be established that:

(i) The domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;

According to Complainant the disputed domain name is confusingly similar to the NESTLE trademark. The domain name <nestleoficial.info> reproduces Complainant's trademark in its entirety, with the sole modification consisting of the addition of the term "oficial". The addition of this generic and descriptive word, particularly one suggesting an official affiliation, does not prevent the finding of confusing similarity. On the contrary, it reinforces the association to Complainant's trademark by implying an authorization or endorsement by Complainant. In this respect Complainant refers to WIPO Overview 3.1 at 1.8 where it is stated that Panels deciding under the UDRP have consistently held that where a Complainant's trademark is recognizable within the domain name, the addition of other descriptive or generic terms will not prevent a finding of confusing similarity.

Complainant further notes that "oficial" is a Spanish and Portuguese language word meaning "official" (English). suggesting that Respondent is specifically targeting Internet users in Spanish- or Portuguese-speaking markets, where Complainant has extensive commercial presence and trademark registrations. This targeted linguistic framing reinforces the inference of deliberate confusion and awareness of Complainant's brand in those markets. This suggestion is now confirmed by the fact that Respondent is Brazilian and/or lives in Brazil.

Alternatively, as Complainant states, "oficial" may also be a misspelled variation of the word in English "official". In this case, such a minor typographical alteration is easily overlooked by Internet users, who will naturally perceive it as the common English word "official". Complainant continues by informing that UDRP panels have consistently held that misspellings or slight orthographic variations of a Complainant's trademark in a domain name do not prevent a finding of confusing similarity. To the contrary, they often provide additional evidence of an intent to attract Internet users seeking Complainant. In this respect, Complainant refers to WIPO Overview 3.1 at 1.9. The inclusion of the term "oficial" is clearly intended to mislead users into believing that the domain name refers to an official website of the Complainant.

Further, Complainant states that it is also well established that the top-level domain suffix <.info> has no relevance to the analysis of identity or confusing similarity between the disputed domain name and the registered trademark, as it is mere technical requirement. Here Complainant refers to WIPO Overview 3.1 at 1.11.1.

Complainant concludes that Respondent's choice of the <.info> top-level domain further suggests an intention to present the domain as an informational or official source related to Complainant or its products, thereby increasing the likelihood of user confusion.

The Panel firstly notes that the trademark registrations predate the registration of the disputed domain name and thus the trademark rights prevail.

Further, the Panel agrees with these assertions of Complainant and since there is no response filed, considers them as true.

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 Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

According to the Policy paragraph 4(a)(ii) it needs further to be established that:

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

Paragraph 4 (c) of the Policy provides circumstances that could demonstrate that Respondent has no rights to and legitimate interests in the disputed domain name. These circumstances are not exclusive.

(i) before any notice to the Respondent of the dispute, the use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) Respondent (as an individual, business, or other organization) has been commonly known by the domain name, even if though it has acquired no trademark or service mark rights; or

(iii) Respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

Complainant submits that Respondent has no rights or legitimate interests in respect of the disputed domain name.

This is substantiated by the following arguments:

1. **Domain parking**

First, Respondent has not been using the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services and Respondent has not made any demonstrable preparations to use it in connection with a bona fide offering of goods or services.

Complainant states that the domain name resolves to a registrar-generated parking page displaying sponsored links (PPC parking page) related to the Complainant, including references to Nestlé products, promotions, and nutritional information and encloses evidence.

Such use cannot establish rights or legitimate interests in the disputed domain name. UDRP panels have consistently found that the use of a domain name incorporating a Complainant's trademark for PPC parking pages targeting the Complainant's field of activity does not constitute a bona fide offering of goods or services or a legitimate noncommercial use.

Complainant continues arguing that even if the Panel were to regard the disputed domain name as only passively held through a registrar-generated parking page, such passive holding in the circumstances of this case would still support a finding of cybersquatting. By registering a domain name that fully incorporates Complainant's famous trademark along with a misleading descriptor "oficial", and then leaving it unused, Respondent retains the ability to exploit the domain name at any time for abusive purposes, such as engaging in phishing or offering the domain for sale. Such behavior is incompatible with any rights or legitimate interests under the Policy.

2. **Use of privacy or proxy registration services**

Second, Respondent is not commonly known by the disputed domain name. Complainant has not licensed, permitted, or otherwise authorized Respondent to use the NESTLE trademark(s), or to apply it for any domain name that is confusingly similar to the NESTLE trademark(s).

A search for registered trademarks in the WIPO Global Brand Database that is enclosed to the Complaint reveals no trademark registration for NESTLE trademark owned by anyone other than Complainant.

Further, no trademark registration for 'NESTLE OFICIAL' or 'NESTLEOFICIAL' is owned by Respondent. In addition, Complainant has found no evidence whatsoever that the Respondent is known by the disputed domain name, as an individual, business, or other organization.

In this respect Complainant stresses that previous panels deciding under the Policy have, without exception, held that “commonly known” by the disputed domain (or a sign identical to it) is intended to cover situations where Respondent is known by the sign in question independently of the sign’s capacity to denote Complainant (see WIPO Overview 3.1 at 2.5). Further, previous UDRP panels have also found that domain names that consist of a trademark plus additional terms cannot constitute fair use if they suggest sponsorship or endorsement by the trademark owner (see WIPO Overview 3.1 at 2.5.1), which is clear in the present case.

3. **Non-use or passive holding**

Third, as Complainant states, Respondent is not making a legitimate non-commercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish Complainant's trademark. The domain name fully incorporates the famous NESTLE mark combined with the term 'oficial' — which implies official sponsorship and affiliation. Such a domain name cannot, by its very nature, constitute fair use: it is inherently misleading because it falsely suggests authorization or endorsement by the Complainant, which Complainant has not granted.

In this respect Complainant refers to WIPO Overview 3.1 at 2.5.1 where UDRP panels have consistently held that domain names that consist of a trademark plus terms suggesting official affiliation cannot constitute fair use if they imply sponsorship or endorsement by the trademark owner.

This conclusion is reinforced by the fact that the website displays PPC links specifically related to the Complainant’s products and sector of activity, thereby demonstrating an intent to capitalize on user confusion rather than any genuine informational or nominative purpose.

The latter could not be verified by the Panel.

4. **Shift of burden of proof**

Finally, Complainant states that, prior panels deciding under the Policy have consistently adopted the view that if the circumstances demonstrated by Complainant are sufficient to establish a prima facie absence of rights or legitimate interest in the disputed domain name on the part of the Respondent, the burden of proof shifts to Respondent to show by concrete evidence that he does have a right or a legitimate interest in the disputed domain name (see e.g., Philip Morris Incorporated v. Alex Tsypkin, WIPO Case No. D2002-0946, citing Do The Hustle, LLC v. Tropic Web, WIPO Case No. D2000-0624).

The findings of the Panel

The Panel could not establish that Respondent is using the disputed domain name for a website with pay per click links. The Panel has studied the evidence and found in connection with the disputed domain name an empty page showing the logo of registrar Dynadot and the sentence:

“This domain is registered at dynadot.com. Website coming soon.”

Based on the evidence provided the Panel could establish that the disputed domain name is parked.

Further the Panel concludes that Complainant has sufficiently demonstrated that Respondent is not linked or known whatsoever to NESTLE that justifies the use of it. Respondent did not counter argue against this.

Complainant has, to the satisfaction of the Panel, shown 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

According to the Policy paragraph 4(a)(iii) it finally needs to be established that:

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

Paragraph 4 (b) of the Policy provides circumstances on that demonstrate that Respondent has registered and used the domain name in bad faith. These circumstances are not exclusive.

Those circumstances are for example:

(i) circumstances indicating that Respondent 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 your documented out-of-pocket costs directly related to the domain name; or

(ii) Respondent 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 Respondent has engaged in a pattern of such conduct; or

(iii) Respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to it's web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location.

Complainant submits that the disputed domain name was registered and is being used in bad faith with the following arguments:

1. **Bad faith registration: targeting a famous mark and an official domain name.**

Previous panels deciding under the Policy have consistently held that the mere registration of a domain name that is identical or confusingly similar to a famous or widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith. This is because such domain names will naturally be perceived by Internet users as being connected to the famous trademark, allowing abusive registrants to benefit from the resulting confusion for commercial gain.

The NESTLE trademark is, as noted above, famous worldwide and the principal identifying sign of Complainant's globally well-known business. Indeed, previous panels have confirmed the status of NESTLE as a well-known mark, and its international reputation throughout the world, e.g., Société des Produits Nestlé S.A. v. nestleinr nestleinr, WIPO Case No. D2024-2525; Société des Produits Nestlé S.A. v. Prairie Web Development, WIPO Case No. D2024-0557; Société des Produits Nestlé S.A. v. Great Homes, WIPO Case No. D2024-2911; Société des Produits Nestlé S.A. v. Harsha Vardhan Mandarapu, WIPO Case No. D2023-4340; Société des Produits Nestlé S.A. v. Withheld for Privacy Purposes, Privacy service provided by Withheld for Privacy ehf / Godwin R, WIPO Case No. D2021-2864; Société des Produits Nestlé S.A. v. Withheld for Privacy Purposes Privacy Service Provided by Withheld for Privacy ehf / Hjhk Janmohamed, Nestle, WIPO Case No. D2021-2744.

The disputed domain name is confusingly similar to Complainant's trademark. The purposeful targeting of a well-known trademark corresponds to a situation that has consistently been found to give rise to a prima facie case of bad faith registration (see WIPO Overview 3.1 at 3.1.4).

Furthermore, under Paragraph 2 of the Policy, any registrant must warrant that its domain name registration does not infringe any third-party rights. Given the worldwide fame of the NESTLE trademark, which includes the Brazilian public, the Respondent cannot plausibly claim ignorance of Complainant's rights at the time of registration.

Moreover, the disputed domain name does not merely incorporate the NESTLE trademark – it also includes the term "oficial", which Internet users – Portuguese, Spanish or English speaking – will readily understand as meaning "official" in English. The deliberate addition of 'oficial' is clearly intended to mislead users into believing that the disputed domain name refers to an official website or authorized source of Complainant. Such wording is only meaningful in the context of an awareness of the NESTLE brand. On a balance of probabilities, Respondent had actual knowledge of Complainant's trademark at the time of registration, which is a strong indicator of bad faith (see WIPO Overview 3.1 at 3.2).

2. **Bad faith use: PPC parking page creating confusion and risk of impersonation**

Respondent's knowledge of Complainant and its business is further confirmed by the content displayed at the disputed domain name. The website resolves to a parking page containing sponsored links such as "Nestlé coupons and promotions", "Nestlé products nutrition info", and "full nutritional information". These references are directly connected to Complainant, its products, and its sector of activity, and therefore demonstrate that the Respondent intentionally targeted the Complainant and its well-known trademark. Any suggestion that the disputed domain name was registered coincidentally or without awareness of Complainant is

therefore implausible.

Furthermore, although the website appears to consist of a registrar-generated parking page, the sponsored links displayed there appear intended to generate pay-per-click revenue by capitalizing on the reputation and goodwill associated with Complainant's famous trademark. UDRP panels have consistently found that the use of a domain name incorporating a Complainant's mark in order to display PPC links related to the Complainant's business constitutes evidence of bad faith registration and use under paragraph 4(b)(iv) of the Policy.

3. **Bad faith use: privacy protection service**

Information about the Registrant was disclosed by the Registrar; however, the Respondent still uses a privacy protection service, according to the WHOIS public available data, to conceal its identity in the specific circumstances of this case. This use of a proxy service further supports the finding of bad faith. UDRP panels have found that the deliberate masking of a respondent's identity, particularly in circumstances involving the registration of a domain name confusingly similar to Complainant trademark, constitutes an additional indication of bad faith (see WIPO Overview 3.1 at 3.6). Respondent has taken steps to hide its true identity and therefore prevent the Complainant from understanding who is behind the registration. Panels have found that such hiding behind privacy reflects an intention to avoid accountability. This reinforces the conclusion that the disputed domain name was registered and is being used in bad faith.

4. **Bad faith use: risk of phishing impersonation, or diversion**

In addition, the disputed domain name creates a clear risk of phishing, impersonation, or diversion of Internet users seeking official Nestlé information, promotions, or nutritional content. By combining the famous NESTLE trademark with the term "oficial", the disputed domain name falsely suggests that it is an official website or authorized source operated or endorsed by the Complainant. Such a risk is particularly significant given the nature of the links displayed on the website, which reinforce the misleading impression of affiliation with Complainant.

5. **No plausible good faith use**

Further, given that the disputed domain name incorporates Complainant's famous NESTLE trademark in a formulation suggesting official affiliation with Complainant, any conceivable future use of the disputed domain name would inevitably create confusion with Complainant's trademark and suggest an endorsement or affiliation that does not exist. No plausible good faith use of the disputed domain name by an entity unconnected to Complainant is imaginable. This further supports a finding of bad faith registration and use.

6. **Alternative argument: passive holding**

Finally, in the alternative, even if this Panel were to consider that the domain name is passively held by Respondent with no active use beyond the generated parking page, Complainant submits that the mere holding of the disputed domain name can constitute bad faith, even in the absence of active use. The disputed domain name incorporates Complainant's famous trademark in its entirety, falsely suggests an official affiliation, is held by a Respondent concealed behind a privacy service, and there is no plausible good faith use that Respondent could make of the disputed domain name.

In these circumstances, the "passive holding doctrine", confirmed by previous panels deciding under the UDRP (see Telstra Corporation Limited v. Nuclear Marshmallows, WIPO case No. D2000-0003; also see WIPO Overview 3.1 at 3.3) applies, constituting evidence of bad faith registration and use under the Policy.

The Panel findings

The Panel finds that Complainant has sufficiently demonstrated via evidence material consisting of an extract from Fortune Global Forbes Brand Finance, a Wikipedia page, a screen capture of the WIPO database for NESTLE and several previous UDRP cases that NESTLE has a strong reputation.

With respect to the use of the disputed domain name, the Panel cannot be convinced that the domain name is used by providing a website with PPC links. No evidence of this particular use is submitted by Complainant.

The Panel will thus consider whether passive holding of the disputed domain name in bad faith is here at stake.

In previous UDRP decisions circumstances are described that would establish that also the use of the disputed domain name, namely the passing holding of it, is use in bad faith. Those circumstances are

(i) Complainant's trademark has a strong reputation and is widely known;

(ii) Respondent has provided no evidence whatsoever of any actual or contemplated good faith use by it of the domain name,

(iii) Respondent has taken active steps to conceal its true identity, by operating under a name that is not a registered business name,

(iv) Respondent has actively provided, and failed to correct, false contact details, in breach of its registration agreement, and

(v) taking into account all of the above, it is not possible to conceive of any plausible actual or contemplated active use of the domain name by Respondent that would not be illegitimate, such as by being a passing off, an infringement of consumer protection legislation, or an infringement of the Complainant's rights under trademark law.

As mentioned above the Panel finds that Complainant has sufficiently demonstrated that NESTLE has a strong reputation.

Consequently, Complainant filed evidence that and through the Complaint procedure it is established that Respondent had protected its identity which was only revealed after the Registrar Verification service.

Lastly, Respondent did not respond in this Complaint.

Therefore, it is not possible to conceive of any plausible actual or contemplated active use of the domain name by Respondent that would not be illegitimate, such as by being a passing off, an infringement of consumer protection legislation, or an infringement of the Complainant's rights under trademark law.

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.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **nestleoficial.info**: Transferred

PANELLISTS

Name	**Marieke Westgeest**

DATE OF PANEL DECISION 2026-05-19

Publish the Decision