Decision for dispute CAC-UDRP-108574

Case number	CAC-UDRP-108574
Time of filing	2026-04-17 09:53:38
Domain names	euqueronestle.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Société des Produits Nestlé S.A.

Complainant representative

Organization	Thomsen Trampedach GmbH

Respondent

Name	pedro medeiros

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 the owner of a large portfolio of NESTLE trademarks registered worldwide. Among its numerous trademarks, the Complainant has identified the following for the purposes of the present dispute:

- NESTLE (word), International registration No. 793804, registered on December 10, 2002 for goods and services in classes 1 to 44, designating over 20 countries;

- NESTLE, Brazilian registration No. 00750059168, registered on 2 March 1982, for goods in class 29.

FACTUAL BACKGROUND

The Complainant is a wholly owned subsidiary of Nestlé S.A., the main operating company in the Nestlé Group, which was founded in 1866 by Henri Nestlé. The Nestlé Group operates worldwide in the sale of food products and related services, with its largest product categories including coffee and beverages, pet food, confectionery, baby food, bottled water, dairy products, supplements, and breakfast cereals.

The Nestlé Group markets its products in 190 countries, employs approximately 275,000 people worldwide, and has maintained a physical presence in 80 countries since 2014. The Nestlé Group ranks 106th in Fortune magazine’s 2024 Fortune Global 500 list.

The NESTLE trademark has recently been recognized as the most valuable food trademark in the world by independent publications such as Brand Finance.

The Complainant has a particularly significant presence in Brazil, which is one of its largest markets globally. The Complainant has been operating in Brazil for decades through an affiliated company and maintains the official promotional website www.euqueronestle.com.br, which resolves to a consumer platform used for promotions, campaigns, and consumer engagement involving the NESTLE mark in Brazil.

The disputed domain name has been registered on August 7, 2025, allegedly by a Brazilian individual located in Brazil.

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.

In particular, the Complainant argues that the disputed domain name consists of the trademark NESTLE preceded by the Portuguese words "eu quiero", which translate into English as "I want". The addition of generic and descriptive terms does not prevent a finding of confusing similarity; on the contrary, it reinforces the association with the Complainant's mark by conveying a consumer's desire for the NESTLE mark.

Furthermore, the Complainant submits that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is neither a licensee of the Complainant nor has any other connection with the Complainant. The Complainant has not authorized the Respondent to use the NESTLE mark, or to incorporate it into any domain name. There is no evidence that the Respondent owns any trademark rights in "eu quero nestle" or similar expressions, nor that it has been commonly known by the disputed domain name.

In addition, the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services, nor has it made any legitimate noncommercial or fair use of the disputed domain name. The disputed domain name reproduces the Complainant's mark together with additional terms, that, taken together, suggest sponsorship or endorsement by the trademark owner and therefore cannot constitute fair use. This is particularly evident in the present case, where the specific combination "euqueronestle" closely mirrors the Complainant's own official Brazilian domain name <equeronestle.com.br>, which is actively used as a consumer-facing promotional platform.

Moreover, the Respondent has used the disputed domain name to operate a fraudulent e-commerce website offering counterfeit products bearing the Complainant's trademark, and to redirect visitors to a pornographic website. Neither of these uses constitutes a legitimate noncommercial or fair use. Such conduct may also be commercially motivated, as redirection schemes involving pornographic content are often monetized through pay-per-click revenue, affiliate commissions, or similar arrangements.

As far as bad faith registration is concerned, the Complainant points out that the NESTLE mark is a well-known mark and enjoys international reputation throughout the world.

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

Moreover, the disputed domain name not only incorporates the NESTLE mark, but also reproduces the exact formulation of the Complainant's official Brazilian promotional domain name <euqueronestle.com.br>. This strongly indicates that the Respondent was aware of both the Complainant's trademark and its specific online presence in Brazil at the time of the registration. According to the Complainant, the registration of the disputed domain name was a deliberate and targeted attempt to capitalize on the goodwill in the NESTLE mark, as well as on the consumer's familiarity with the "eu quero ….." formulation.

Finally, the fact that the domain name is in Portuguese, a language directly linked to the market in which the Complainant operates its corresponding official domain name (Brazil), further demonstrates that the Respondent had actual knowledge of the Complainant and of its rights at the time of the registration of the disputed domain name.

With respect to use in bad faith, the Complainant submits that the disputed domain name was initially used to host a fraudulent website that closely imitated the Complainant's official Brazilian e-commerce platform. This website featured, without authorization, the Complainant's trademark, trade dress, and product imagery, and purported to offer NESTLE-branded products, including infant formula and baby nutrition items, for sale to consumers.

The Respondent intentionally sought to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website and the products offered therein. The fraudulent nature of the Respondent's website is further demonstrated by the fact that the Complainant has never authorised the Respondent to sell its products and has no commercial relationship with it.

Such use of the disputed domain name also disrupts the Complainant's business in the Brazilian market by diverting consumer traffic intended for the Complainant's official website and by undermining the reputation and consumer trust associated with the

NESTLE mark.

Moreover, the Complainant submits that the Respondent's conduct raises serious safety concerns, particularly insofar as the fraudulent website may be involved with the sale of counterfeit products, posing significant risks to infant health and safety.

As noted above, following the operation of the fraudulent e-commerce website, the disputed domain name was subsequently configured to redirect Internet users to a pornographic website. This redirection is likely monetized through pay-per-click revenues, affiliate programs, or similar arrangements. The Respondent is therefore intentionally attempting to attract Internet users to its online content for commercial gain by creating confusion with the Complainant's mark.

The redirection of the disputed domain name to pornographic content also tarnishes the Complainant's trademark, as it creates an involuntary and damaging association between the Complainant's family-oriented food mark and explicit material.

Further evidence of bad faith lies in the fact that such redirection disrupts the Complainant's business by diverting traffic intended for its official website and damaging the reputation and trust associated with the NESTLE mark. This is particularly harmful given that the Complainant's product range includes baby food and children's products, making an association with inappropriate content especially prejudicial.

Additionally, the pattern of successive abusive uses demonstrates persistent bad faith. The Respondent's use of a privacy protection service further suggests an intention to conceal its identity; when considered together with other factors, this conduct supports the Respondent's bad faith.

Finally in light of the strong reputation of the NESTLE mark, there is no conceivable good faith use that the Respondent could make of the disputed domain name.

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

I. Confusing similarity

According to the Overview of WIPO Panels Views on Select UDRP Questions (the "WIPO Overview 3.1.") the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the complainant’s trademark and the disputed domain name. Although each case is judged on its own merits, 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 (section 1.8 of the WIPO Overview 3.1.).

The Panel finds that the Complainant has successfully demonstrated that it owns registered rights in the trademark NESTLE. The

disputed domain name incorporates the entirety of this mark. The Panel further finds that the disputed domain name is confusingly similar to the Complainant's mark as the NESTLE mark is well recognizable in the disputed domain name despite the addition of the words "eu quero" at its beginning.

According to section 1.7 of the WIPO Overview 3.1., where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) doesnot prevent a finding of confusing similarity under the first element.

Accordingly, the Panel is satisfied that the first condition under the Policy is met.

II. Lack of Rights and Legitimate Interests

As also confirmed by section 2.1 of the WIPO Overview 3.1, a complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests. Once such a prima facie case is made, the burden of production 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, a complainant is generally deemed to have satisfied paragraph 4(a)(ii) of the UDRP.

Based on the available evidence, the Respondent does not appear to be known by the disputed domain name. The Respondent is not an affiliate or licensee of the Complainant, nor was it authorised by the Complainant to make use of the NESTLE mark in any manner, including as part of the disputed domain name.

The Panel finds that the Respondent has not used the disputed domain name in connection with a bona fide offering of goods or services, nor has the Respondent made a legitimate noncommercial 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.

Preliminarily, it should be noted that the disputed domain name not only incorporates the NESTLE mark in its entirety, but it is also identical, save for the relevant TLD extension, to the Complainant's domain name <euqueronestle.com.br>, which resolves to a promotional website targeting Brazilian consumers. Accordingly, the composition of the disputed domain name cannot constitute fair use as such a domain name impersonates or suggests sponsorship or endorsement by the trademark owner.

Furthermore, the disputed domain name has initially been used to resolve to an e-commerce platform featuring the Complainant's NESTLE mark and logo and purporting to sell the Complainant's branded products, in particular, infant and children's food products, at discounted prices. More recently, the disputed domain name has been reconfigured to redirect to a website displaying explicit content. None of these uses can be considered a bona fide offering of goods or services or a legitimate noncommercial or fair use of the disputed domain name.

It appears in fact that through the disputed domain name the Respondent is attempting to attract consumer's looking for the Complainant taking advantage of the renown of the Complainant's mark and of the identity between the disputed domain name and one of the domain names owned by the Complainant, while targeting the same Brazilian market This conduct is all the more serious considering that the Complainant operates in a sector primarily targeting families with newborns or young children. Consequently, the Complainant’s consumers are particularly sensitive or vulnerable. Being familiar with the Complainant’s official website, which operates under a domain name identical to the one at issue in the present dispute, consumers facing the disputed domain name and associated website would find themselves unprepared, suddenly confronted with infant or even early childhood food products whose safety is not guaranteed, or with unexpected pornographic content. Accordingly, the use that the Respondent has made of the disputed domain name is highly damaging to the Complainant and its NESTLE mark and tarnishes such mark.

Furthermore, the Panel finds that the commercial purpose of the use of the disputed domain name is not only inherent in its initial use—namely, to redirect users to an e-commerce platform offering purported Complainant's products at discounted prices—but is likely also to exist in its subsequent use to access pornographic content. Indeed, it is unlikely that the mere redirection of the disputed domain name to explicit content is intended solely to entertain consumers. Rather, it is highly likely that access to such pornographic content also serves a commercial purpose, and that the Respondent is seeking to benefit from such use for an economic purpose.

In light of the foregoing, the Panel finds that the Complainant has successfully made out at least a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. As the Respondent has failed to provide solid and convincing evidence demonstrating its rights or legitimate interests in the disputed domain name, the Panel is satisfied that also the second condition under the Policy has been met.

III. Bad Faith

The NESTLE trademark is highly distinctive and enjoys a strong international reputation. This trademark is exclusively associated

with the Complainant. In light of the extensive recognition of the Complainant's mark, the Respondent's initial use of the disputed domain name, and the fact that the disputed domain name is identical to one of the Complainant's official domain names, the Panel concludes that the Respondent was likely aware of the Complainant's mark at the time of registration of the disputed domain name. Registering a domain name that incorporates a third party's well-known trademark, being aware of such mark and without rights or legitimate interests, amounts to registration in bad faith.

Moreover, considering the reputation of the NESTLE mark and the nature of the disputed domain name, it is not possible to contemplate any good faith use of the disputed domain name, unless expressly authorized by the Complainant.

The disputed domain name was initially used to resolve to a website featuring the Complainant's mark and logo and purporting to sell the Complainant's branded products at a discounted price. While the Panel cannot verify whether the products offered on the Respondent's website were genuine or counterfeit, it notes that both the disputed domain name and the associated website were highly misleading. First, the disputed domain name is identical to a corresponding domain name belonging to the Complainant, targeting the same Brazilian public. Second, the Respondent's website prominently displayed the Complainant's marks and logos, operating as an e-commerce platform promoting the sale of allegedly authentic Complainant's products, using the Complainant's images and lacking any disclaimer regarding the absence of a relationship between the parties. Accordingly, Brazilian customers could easily be misled, attracted to the Respondent's website, and induced to purchase the products displayed because they were offered at a discounted price. By doing so, the Complainant's customers, lured by the Respondent to buy discounted NESTLE products on its website, could face a health risk, one that could be extremely serious considering that the food products displayed on the Respondent's website were aimed at infants and young children.

Later on, the Respondent changed the use of the disputed domain name, directing it to a website displaying pornographic content. The use of a domain name identical to one of the Complainant's domain names, targeting the same public, and incorporating the well-known NESTLE mark to resolve to a website with explicit content, tarnishes the Complainant's mark. This is highly damaging to the Complainant, given that a good part of its business targets families and children.

Moreover, it is likely that the Respondent derives commercial gain from clicks on the pornographic content displayed on the website, as it is common practice that such content is not offered free of charge.

Therefore, the Panel finds that the Respondent has registered the disputed domain name primarily to disrupt the business of a competitor, or 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's mark. In either case, the Respondent has registered and used the disputed domain name in bad faith.

Accordingly, the Panel is satisfied that also the third and last condition under the Policy is met.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **euqueronestle.com**: Transferred

PANELLISTS

Name	**Angelica Lodigiani**

DATE OF PANEL DECISION 2026-05-30

Publish the Decision