Decision for dispute CAC-UDRP-108622

Case number	CAC-UDRP-108622
Time of filing	2026-05-11 13:30:31
Domain names	coffeematecreamer.com

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	Valentina Vorovska

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 submitted evidence that it is the owner of the following trademarks:

- United Kingdom word trademark “COFFEE MATE”, no. UK00001059871, registered in March 1976, for goods in class 30;
- European Union word trademark “COFFEE MATE”, no. 002751642, registered on June 30, 2004, for goods in classes 29 and 30;
- United States word trademark “COFFEE MATE”, no. 4913646, registered on March 8, 2016, for goods in classes 29 and 30;
- Swiss combined figurative trademark “COFFEE MATE”, no. 685699, registered on March 24, 2016, for goods in class 29;
- International figurative trademark “COFFEE MATE”, no. 1723522, registered on February 17, 2023, for goods in class 29;
- United States figurative trademark “COFFEE MATE”, no. 5304227, registered on October 10, 2017, for goods in classes 29 and 30; and
- United States figurative trademark “COFFEE MATE”, no. 4292377, registered on February 19, 2013, for goods in class 29.

These trademarks are hereinafter referred to as the “Trademark(s)” or the “Complainant’s Trademark(s)”.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant, Société des Produits Nestlé S.A., is a wholly owned subsidiary of Nestlé S.A., the main operating company of the Nestlé Group, engaged in the sale of food products and related services worldwide. Nestlé Group is active in 190 countries, has a physical presence in 80 countries and has approximately 275.000 employees worldwide. It is the largest publicly traded food and nutritional products company in the world.

The Complainant owns the COFFEE MATE trademark, which it has used for many years, at least since 1961, in connection with coffee creamers and related products.

COFFEE MATE is the market-leading coffee creamer brand in the USA, where it has become “America’s #1 coffee creamer brand” based on sales by brand and enjoys high consumer recognition with brand awareness of more than 90 percent. The Complainant further asserts that the reputation of the COFFEE MATE brand extends to other regions including the European Union.

The disputed domain name, <coffeematecreamer.com>, was registered by the Respondent on January 23, 2026.

The Complainant states that the domain resolves to a website presenting itself as a COFFEE MATE store in California, USA. The website does not mention the company or individuals operating the website, nor does it provide a full address.

The Complainant sent an email to the email address ‘contact@coffeematecreamer.com’, as displayed on the website, but did not receive a reply.

The website displays the COFFEE MATE and NESTLÉ trademarks and logos of the Complainant and presents itself as a website relating to COFFEE MATE products.

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

Confusing similarity

The disputed domain name consists of the Complainant's Trademark COFFEE MATE with the addition of the word CREAMER.

According to the Complainant, the addition of the word CREAMER does not prevent the disputed domain name from being confusingly similar to Complainant's Trademarks. Furthermore, the Complainant argues that the gTLD ".com" does not change the overall impression of the designation as being connected to the Trademarks.

The Panel notes that the disputed domain name incorporates the entirety of the Complainant's Trademark, with the addition of the word CREAMER which is generic or descriptive of the goods covered by the Complainant's Trademarks, and in fact reinforces the confusing similarity between the Complainant's Trademarks and the disputed domain name.

The gTLD ".com" is generally disregarded in assessing confusing similarity under the test of paragraph 4(a)(i) of the Policy.

For these reasons, the Panel concludes that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights within the meaning of paragraph 4(a)(i) of the Policy.

Rights or legitimate interests

As regards paragraph 4(a)(ii) of the Policy, while the overall burden of proof rests with the Complainant, it is commonly accepted that this should not result in an often-impossible task of proving a negative. Therefore, numerous previous panels have found that 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 appropriate allegations or evidence demonstrating rights or legitimate interests in the disputed domain name. If the respondent fails to come forward with such appropriate allegations or evidence, the complainant is generally deemed to have satisfied paragraph 4(a)(ii) of the Policy. If the respondent does come forward with some allegations or evidence of relevant rights or legitimate interests, the Panel then must weigh all the evidence, with the burden of proof always remaining on the complainant.

The Complainant argues that:

- The Respondent is not commonly known by the disputed domain name;
- The Respondent is not making a bona fide offering of goods or services, nor a legitimate noncommercial or fair use of the disputed domain name. On the contrary, the Respondent uses the domain name for a website prominently displaying both the Complainant's COFFEE MATE logo and the NESTLE logo. The website purports to sell the Complainant's COFFEE MATE products, with buy buttons.
- The Respondent is not related to the Complainant. The Complainant has not granted a license or authorisation to the Respondent to use the Complainant's Trademark(s) or apply for registration of the disputed domain name;
- The Respondent uses a privacy or proxy service; and
- The Respondent uses the domain name for an impersonation website.

The Respondent did not file an administratively compliant (or any) response. The Respondent did not provide evidence that it has rights or legitimate interests in the disputed domain name. The Respondent could have provided evidence of the factors mentioned in paragraph 4(c) of the Policy but failed to do so.

The Panel finds that the Respondent does not have any rights or legitimate interests in respect of the disputed domain name from the following facts:

- The disputed domain name includes the entire Trademark of the Complainant, with the only addition of the generic or descriptive term CREAMER (describing a product being covered by the Complainant's Trademarks), which does not create any rights or legitimate interests in the disputed domain name.

- There is no evidence that the Respondent is or has been commonly known by the disputed domain name or by the terms "COFFEE MATE", "COFFEE MATE CREAMER", or any similar designation. The WHOIS information does not provide any information that might indicate any rights of the Respondent to use these terms.

- The Complainant's Trademarks have been widely used well before the registration date of the disputed domain name, including in Germany, where the Respondent appears to be located.

- There is no evidence to show that the Respondent is making a legitimate non-commercial or fair use of the disputed domain name, without intent for commercial gain or to misleadingly divert consumers. On the contrary, it appears that the Respondent is taking advantage (or at least intends to take advantage) of the Complainant's name, logos, and registered Trademarks to attract consumers thereby creating a likelihood of confusion as to source, sponsorship, affiliation, or endorsement.

- The Respondent has not been shown to have any consent or authorisation to use the Complainant's Trademarks or variations thereof and does not seem to be related in any way to the Complainant.

- The Respondent has not shown that it holds any trademark rights or other rights regarding the terms “COFFEE MATE”, “COFFEE MATE CREAMER”, or any similar designation.

In sum, on the balance of probabilities, and in the absence of any evidence to the contrary or any administratively compliant response being put forward by the Respondent, the Panel finds that the Complainant has established a prima facie case, which has not been rebutted by the Respondent, and that the evidence supports a finding that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Panel concludes that the Respondent does not have rights or legitimate interests in the disputed domain name.

Bad faith

The Complainant argues that the disputed domain name is confusingly similar to its famous and well-known Trademarks.

The Complainant furthermore states that the disputed domain name resolves to an active website impersonating the Complainant and offering COFFEE MATE products under the Complainant’s Trademarks and branding.

The Complainant states that this demonstrates that the Respondent has registered the domain name with full knowledge of the Complainant and its Trademarks, and in fact deliberately targets the Complainant, in particular given the distinctiveness and reputation of the Trademark(s).

Furthermore, clicking on products on the website systematically redirects users to different pages, thus suggesting that the domain name is being used as a part of a broader deceptive scheme to mislead internet users or to artificially generate traffic.

Finally, the Complainant sees the use of a privacy protection service as further evidence of bad faith.

The Panel weighs these arguments and facts as follows:

First, as mentioned already, the disputed domain name reproduces the Complainant's Trademark COFFEE MATE entirely, with the mere addition of the word CREAMER, which reinforces the impression of an association with the Complainant and its Trademarks and COFFEE MATE products.

Second, the Complainant’s Trademarks predate the registration of the disputed domain name by many years.

Third, at least some of the Complainant’s Trademarks extend to Germany, where the Respondent appears to be located.

Fourth, the fact that the website available via the disputed domain name displays the products being sold by the Complainant under its registered Trademarks, including display of the Complainant’s Trademarks and logos, makes it inconceivable that the Respondent registered and used the domain name without actual knowledge of the Complainant and its Trademarks.

Fifth, the Respondent is not using the disputed domain name for a bona fide offering of goods or services or for a legitimate non-commercial or fair use.

The Respondent did not contest any of the Complainant’s arguments and did not provide any explanation concerning its choice for registering and using a domain name that includes the Complainant’s Trademark with only the addition of a generic or descriptive word.

Given the arguments and facts described above, the Panel finds that the disputed domain name is not being used for any bona fide offering of goods or services. The disputed domain name is instead used to misleadingly attract internet users for commercial gain. The Panel is satisfied that the Respondent registered and used the disputed domain name with knowledge of the Complainant and its Trademarks and with the intention of taking unfair advantage of the goodwill associated therewith.

By using the disputed domain name and the associated website in this manner, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's Trademarks as to the source, sponsorship, affiliation, or endorsement of the website and of the products offered thereon. This constitutes evidence of bad-faith registration and use within the meaning of paragraph 4(b)(iv) of the Policy.

For all the reasons set out above, the Panel concludes that the disputed domain name was registered and is being used in bad faith within the meaning of paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **coffeematecreamer.com**: Transferred

PANELLISTS

Name	**Bart Van Besien**

DATE OF PANEL DECISION 2026-06-11

Publish the Decision