Decision for dispute CAC-UDRP-108698

Case number	CAC-UDRP-108698
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Domain names	friskiesstore.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	silvercr stuk1

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings that are pending or decided and that relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant owns several trademark registrations for the term FRISKIES, including but not limited to:

- United States trademark for FRISKIES (word mark), Reg. No. 668470, registered on October 14, 1958, in force until April 16, 2029, in International Class ("IC") 31; and

- European Union trademark for FRISKIES (word mark), Reg. No. 002328169, registered on October 29, 2003, in force until August 3, 2031, in ICs 3, 5, 6, 8, 11, 16, 18, 19, 20, 21, 22, 28, 31, 35, 38, and 42; and

- International trademark for FRISKIES (word mark), Reg. No. 640844, registered on July 10, 1995, in force until July 10, 2035, in IC 31. [1]

[1] Designated countries: UAE, Pakistan, Turkmenistan, Uzbekistan, Armenia, Bosnia and Herzegovina, Belarus, China, Egypt, Kyrgyzstan, Kazakhstan, Morocco, Moldova (Republic of), Montenegro, Republic of North Macedonia, Mongolia, Serbia, Russian Federation, Sudan, Tajikistan, Ukraine, Vietnam.

FACTUAL BACKGROUND

The Complainant is part of Nestlé Group, founded in 1866 by Henri Nestlé and wholly owned by Nestlé S.A. Nestlé Group sells

products and services all over the world in various industries, primarily in the food industry, including baby foods, breakfast cereals, chocolate and confectionery, coffee and beverages, bottled water, dairy products, ice cream, prepared foods, food services as well as pet food. The Complainant is the world's largest food consumer products company in terms of sales.

According to the Complainant, the FRISKIES brand was launched in 1934, it was extended to dry cat food in 1950 and to wet cat food in 1955, and has been sold outside the United States since 1969. FRISKIES is one of Complainant's flagship cat food brands, offered in more than 100 varieties of wet food, dry food, treats and complements.

The Complainant has an active online presence through social media, with dedicated FRISKIES pages on Facebook, Instagram and YouTube. The FRISKIES Instagram page (@friskies) has 81.6k followers, the Purina Friskies Facebook page has 759k followers, and the Purina Friskies YouTube channel has 155k subscribers. According to the Complainant's 2025 Annual Review, the Complainant's PetCare business, within which the FRISKIES brand sits, generated sales of CHF 18.4 billion in 2025 alone, which makes up 20.6% of the Complainant's total sales across all fields of business.

The Complainant also operates a website dedicated to the brand at https://www.purina.com/friskies, to which Complainant's domain name <friskies.com> registered on October 20, 1996, redirects, and an official brand store at www.amazon.com/stores/Friskies for its FRISKIES line of offerings.

The disputed domain name <**friskiesstore.com**> was registered on September 22, 2025, and resolves to an active website that uses the Complainant's trademark to create a fake storefront and to generate traffic, thereby impersonating [1] the Complainant and passing itself off [2] as such.

[1] By falsely pretending to be the trademark owner (or an affiliate).

[2] Through deceptive commercial representation that misleads consumers into believing the FRISKIES products originate from the Complainant or are endorsed by it.

PARTIES CONTENTIONS

Response

No Response or any communication has been submitted by the Respondent. However, the Complainant must establish the three elements of paragraph 4(a) of the Policy (See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.1"), section 4.3).

Therefore, this Panel shall analyze the evidence submitted by the Complainant and decide this dispute under the "balance of probabilities" or "preponderance of the evidence" standard (see paragraphs 14 and 15(a) of the Rules and WIPO Overview 3.1, section 4.2).

Complainant Contentions (summary):

- The Complainant contends that the disputed domain name is confusingly similar to its FRISKIES mark because it fully incorporates it and merely adds the descriptive term "store" and the generic top-level domain '.com';

- The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name, given that the Respondent is not affiliated with Complainant in any way, nor is Respondent authorized to use the Complainant's FRISKIES marks; that there is no evidence that the Respondent is commonly known by the disputed domain name; that the Complainant has not licensed, permitted or otherwise authorized the Respondent to use the FRISKIES marks, or to register any domain name that is confusingly similar to that trademark; that the Complainant has found no evidence whatsoever that the Respondent is known by the disputed domain name, as an individual, business, or other organization; that the disputed domain name's website identifies no operator, no company name and no postal address, and that the only name it displays — "FriskiesStore" — is functionally identical to the Complainant's mark;

- The Complainant contends that FRISKIES is a well-known trademark; that the use of the disputed domain name for a website which claims to be an "Official Website" of the FRISKIES mark and channels visitors onto third-party retail listings for commission falsely suggests to Internet users that the Complainant is affiliated with the website;

- The Complainant also contends that the Respondent is not using the disputed domain name for a bona fide offering of goods or services or a legitimate noncommercial or fair use; that the disputed domain name resolves to an active website which is entitled, in its own page title, "Friskies® Cat Food, Wet Cat Food, Dry Cat Food Official Website", which greets visitors with "Welcome To Friskies", which speaks throughout in the Complainant's own voice ("Discover Friskies' complete line of cat food … Try our popular Lil Soups"), and which reproduces the FRISKIES trademark together with the registered trademark symbol and photographs of the Complainant's genuine PURINA FRISKIES packaging; that the website carries no disclaimer of any relationship with the Complainant; on the contrary, it is constructed to be taken for the Complainant's own online store, and so impersonates the Complainant and falsely suggests an affiliation with it, making it evident that Respondent is attempting to pass itself off as Complainant and to benefit from the goodwill established in Complainant and Complainant's trademarks.

- Furthermore, the Complainant contends that the Respondent's purpose is commercial, that the "View more products" buttons on

the website lead on to third-party pages, and the website's own footer discloses that "Friskiesstore.com participates in the Amazon Services LLC Associates Program, an affiliate advertising program designed to provide a means for sites to earn advertising fees by advertising and linking to Amazon.com", that with it the Respondent earns advertising fees on traffic which it captures by means of the Complainant's trademarks, without any kind of authorization and/or fulfilling the corresponding Oki Data criterion, which in summary seeks to impersonate the Complainant to harvest commissions;

- The Complainant contends that the disputed domain name was registered and that is being used in bad faith, given that the Complainant's FRISKIES trademark is well-known and famous worldwide; that by the time the disputed domain name was registered, meaning September 22, 2025, the Complainant's FRISKIES trademark rights were already established, and that the Respondent incurred in deliberate blindness to such rights; that the Respondent's website reproduces the Complainant's trademark, the registered trademark symbol and photographs of the Complainant's own product packaging, which establishes that the Respondent had the Complainant and its FRISKIES trademark in mind at the time of the disputed domain name's registration;

Lastly, the Complainant contends that the disputed domain name resolves to an active website which impersonates the Complainant, describes itself as the "Official Website" for the FRISKIES brand, and displays FRISKIES-branded cat food products at stated prices; that such commercial activity, involving products identical to those marketed by the Complainant, reinforced by the reproduction of the Complainant's FRISKIES trademark, the registered trademark symbol and the Complainant's own product photography, leads Internet users to believe that the website is affiliated with or connected to the Complainant, and as a result they are induced to believe that they are dealing with the Complainant or with an outlet authorized by it; that Internet users who follow the "View more products" links are routed onward to third-party retail listings by way of affiliate links, from which the Respondent earns advertising fees; that the Respondent's conduct demonstrates an intent to profit from consumer confusion by falsely associating itself with the Complainant.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that the disputed domain name is 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 that there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

Identical or Confusingly Similar

The Complainant has sufficiently proved before the Panel that it owns trademark Rights over the term FRISKIES for the purposes of the Policy. See WIPO Overview 3.1, section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. See WIPO Overview 3.1, section 1.7.

Although the addition of other terms (here, 'store') may bear on assessment of the second and third elements, the Panel finds that the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. See WIPO Overview 3.1, section 1.8.

It is well established that for the purposes of the analysis of the first element of the Policy, in this case, the gTLD ".com" is considered "as a standard registration requirement and as such is disregarded under the first element confusing similarity test".

See WIPO Overview 3.1, section 1.11.1.

The Panel finds that the first element of the Policy has been met.

Rights or Legitimate Interests

Having reviewed the evidence submitted, it is clear to this Panel that:

Nothing in the records suggests any demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services, or a legitimate noncommercial or fair use as set out in paragraph 4(c)(i) and 4(c)(iii) of the Policy. Instead, according to the evidence, the Respondent has used the disputed domain name to impersonate and pass off as the Complainant´s business, including an unauthorized full use of the well-known trademark FRISKIES. In this respect, panels have held that the use of a domain name for illegal activity (here claimed as impersonation, passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. See WIPO Overview 3.1, section 2.13.1.

There is no evidence that the Respondent owns trademark rights for, nor is the Respondent commonly known by the disputed domain name <friskiesstore.com>, or any similar term.

Furthermore, the Respondent is not affiliated with nor authorized by the Complainant in any way; neither does it carry out any activity for nor has the Complainant any business with it; nor has the Oki Data[1] criterion been met; nor has any license or authorization been granted to the Respondent to make any use of the Complainant's well-known trademark FRISKIES or apply for domain name registrations.

According to the evidence submitted before this Panel, the Complainant has made out its prima facie case, and the Respondent has not submitted any response or communication, nor has it rebutted the Complainant's contentions.

Therefore, the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Panel finds that the second element of the Policy has been met.

Bad Faith: Registration and Use

Regarding Registration, the Panel finds that the Complainant's trademark rights definitively predate the registration date of the disputed domain name. The composition and international recognition of the FRISKIES well-known trademark, combined with how the disputed domain name is being used, sufficiently prove to this Panel the Respondent's knowledge of the Complainant and bad-faith registration and use under the Policy. See WIPO Overview 3.1, sections 3.1.4 and 3.2.2.

Regarding Use, having reviewed the records, the Panel finds that the evidence submitted sufficiently proves the Respondent's knowledge of the Complainant's business activity and of its trademark's value, to the point of generating online traffic based on the Complainant's FRISKIES well-known trademark, falling into paragraph 4 (b)(iv) of the Policy. Accordingly, panels have held that using a domain name for illegal activity (here claimed as impersonation, passing off, or other types of fraud) constitutes bad faith. See WIPO Overview 3.1, section 3.4.

The Panel finds that the third element of the Policy has been met.

[1] See WIPO Overview 3.1 at 2.8; Oki Data Americas, Inc. v. ASD, Inc., WIPO Case No. D2001-0903.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **friskiesstore.com**: Transferred

PANELLISTS

Name	**María Alejandra López García**

DATE OF PANEL DECISION 2026-08-25