

Decision for dispute CAC-UDRP-108629

Case number	CAC-UDRP-108629
Time of filing	2026-07-27 09:35:01
Domain names	wholeearthfarms.org

Case administrator

Name	Olga Dvořáková (Case admin)
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Complainant

Organization	Société des Produits Nestlé S.A.
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Complainant representative

Organization	Thomsen Trampedach GmbH
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Respondent

Name	Vadym Bayev
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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 has established rights in the WHOLE EARTH FARMS trademark, including through the following registrations:

- United States trademark registration No. 3386911, registered on 19 February 2008, for pet food and pet treats in Class 31; and
- International Registration No. 1265466, designating, inter alia, the European Union, registered on 14 June 2018, for pet food and pet treats in Class 31.

The Complainant has submitted evidence of the relevant trademark registrations.

FACTUAL BACKGROUND

The Complainant is part of the Nestlé group and operates, through its group, a substantial pet care business. WHOLE EARTH FARMS is a pet food brand which originated with Merrick Pet Care, Inc. and became part of the Complainant's group following the acquisition of Merrick Pet Care, Inc. by Nestlé Purina PetCare Company in 2015. The WHOLE EARTH FARMS trademark has been used in relation to pet food and pet treats for many years.

The disputed domain name "WHOLE EARTH FARMS" was registered on 20 December 2024. According to the registrar verification, the Respondent is a physical person Mr. Vadym Bayev.

The disputed domain name resolves to a website prominently displaying the Complainant's WHOLE EARTH FARMS logo and photographs of products bearing the Complainant's trademarks. The website also refers to the Complainant's actual product names and presents information concerning the history of the WHOLE EARTH FARMS brand.

The website contains "Check Price" and "Check Products" links which redirect Internet users through Amazon affiliate links to listings for competing pet food products. The website also contains forms through which visitors are invited to provide personal information.

PARTIES CONTENTIONS

The Complainant contends that the disputed domain name is identical to its WHOLE EARTH FARMS trademark, as it incorporates the trademark in its entirety, with the only differences being the omission of spaces and the addition of the ".org" generic Top-Level Domain.

The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not affiliated with or authorised by the Complainant and has not been permitted to use the WHOLE EARTH FARMS trademark. According to the Complainant, the Respondent is not commonly known by the disputed domain name and is not using it in connection with a bona fide offering of goods or services or for a legitimate noncommercial or fair use.

Finally, the Complainant submits that the disputed domain name was registered and is being used in bad faith. In particular, the Respondent's website reproduces the Complainant's trademark, logo and product imagery and uses them to attract Internet users before redirecting those users, through affiliate links, to competing products for commercial gain.

The Complainant requests that the disputed domain name be transferred to it.

The Respondent did not submit any response to the complaint.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark 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 states that the Panel decides a Complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law deemed applicable.

In the case of default by a Party, Rule 14 states that if a Party, in the absence of exceptional circumstances, does not comply with a provision of, or requirement under the Rules, the Panel draws such inferences therefrom as appropriate.

In the present case, the Respondent has not submitted any Response and consequently has not contested any of the contentions made by the Complainant.

The Panel proceeds therefore to decide only on the basis of the Complainant's factual statements and the documentary evidence provided in support of them.

1.

The Panel finds that the disputed domain name "WHOLE EARTH FARMS" is identical to the registered trademark WHOLE EARTH FARMS in which the Complainant has proved having rights.

The disputed domain name incorporates the Complainant's trademark in its entirety and in the same order. The omission of spaces between the individual words does not alter the overall impression, as spaces cannot be represented in a domain name.

Moreover, the addition of the TLD ".org" does not affect the assessment of identity or confusing similarity, as it represents a technical requirement of registration and is generally disregarded for the purposes of the first element of the Policy.

Accordingly, the Panel considers that the disputed domain name and the registered trademark in which the Complainant has rights are identical and finds that paragraph 4(a)(i) of the Policy is satisfied.

2.

According to the Complainant's contentions and evidence submitted within this proceeding, which were not disputed, the Respondent does not appear to be in any way related to the Complainant's business, does not act as the agent of the Complainant, and has not been authorised, licensed or otherwise permitted to use the trademark WHOLE EARTH FARMS or to register any domain name incorporating that trademark.

Furthermore, there is no evidence that the Respondent is commonly known by the disputed domain name.

The disputed domain name resolves to an active website which prominently displays the Complainant's WHOLE EARTH FARMS logo, reproduces photographs of the Complainant's genuine product packaging and refers to the Complainant's actual products. The website does not contain any disclaimer explaining the absence of a relationship with the Complainant and, on the contrary, its overall presentation gives the impression that it is operated by, authorised by or otherwise affiliated with the Complainant.

The evidence further shows that the "Check Price" and "Check Products" links available on the website redirect Internet users through Amazon affiliate links to listings for third-party pet food products, including products competing with those of the Complainant. The Respondent therefore appears to use the disputed domain name and the Complainant's trademark in order to attract Internet users for commercial gain.

Such use cannot be considered a bona fide offering of goods or services or a legitimate noncommercial or fair use of the disputed domain name.

Consequently, and in the absence of a Response, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name, so that the requirements of paragraph 4(a)(ii) of the Policy are met.

3.

As to bad faith at the time of registration, the Panel finds that the Respondent was clearly aware of the Complainant and its rights in the trademark WHOLE EARTH FARMS when registering the disputed domain name.

The Complainant's trademark rights substantially predate the registration of the disputed domain name on 20 December 2024. More importantly, the website associated with the disputed domain name reproduces the Complainant's WHOLE EARTH FARMS logo, photographs of the Complainant's genuine product packaging and the names of the Complainant's products. Such use makes it implausible that the Respondent registered the disputed domain name without knowledge of the Complainant and its trademark.

As to bad-faith use, Paragraph 4(b)(iv) of the Policy provides that evidence of bad faith exists where, by using the domain name, the Respondent intentionally attempts to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement of the website or of a product or service on the website.

The circumstances of the present case correspond precisely to such situation.

The Respondent uses a domain name identical to the Complainant's trademark for a website which presents itself as connected with the WHOLE EARTH FARMS brand. The website reproduces the Complainant's logo and product imagery and thereby creates the impression of an official or authorised website.

Internet users attracted to the website on this basis are subsequently redirected, through Amazon affiliate links, to listings for competing pet food products. The Respondent thus appears to derive commercial benefit from the confusion created by the use of the Complainant's trademark and goodwill.

The Panel further notes that the website invites Internet users to submit their names and email addresses while the identity of the website operator is not properly disclosed. According to the evidence submitted by the Complainant, the website also provides misleading or false contact information. These circumstances further reinforce the Panel's finding of bad faith.

Taking into account all of the above, the Panel concludes that the Respondent registered and is using the disputed domain name

intentionally to create a likelihood of confusion with the Complainant’s trademark and to attract Internet users for commercial gain.
Accordingly, the Panel finds that the Complainant has satisfied 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. wholeearthfarms.org: Transferred

PANELLISTS

Name	Hana Císlerová
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DATE OF PANEL DECISION 2026-08-28

Publish the Decision