Decision for dispute CAC-UDRP-108889

Case number	**CAC-UDRP-108889**
Time of filing	**2026-07-31 14:56:56**
Domain names	**nestlemarket.com**

Case administrator

Name	**Olga Dvořáková (Case admin)**

Complainant

Organization	**Société des Produits Nestlé S.A.**

Complainant representative

Organization	**Thomsen Trampedach GmbH**

Respondent

Name	**Luo Ping**

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 that it owns the following registered trademarks:

(a) the International trademark for NESTLE, registered number 793804, registered with The World Intellectual Property Organisation (WIPO) on December 20, 2002 and designating over 20 countries;

(b) numerous other national and international trademark registrations for NESTLE;

(collectively the “NESTLE trademark“).

FACTUAL BACKGROUND

The Complainant, Societe des Produits Nestle S.A, is a renowned Swiss company engaged in the manufacture and distribution of a broad range of food products and related goods and services and has been so engaged since 1866. It is a subsidiary of Nestle S.A., the main operating company in the famous Nestle Group.

The Complainant provides its goods and services under the NESTLE trademark.

As well as the NESTLE trademark, the Complainant has registered the domain name <nestle.com> and numerous other domain names incorporating the NESTLE trademark which it uses in its business to promote its goods and services under its NESTLE trademark on the internet and to enable consumers to avail themselves of the Complainant's goods and services.

It has come to the notice of the Complainant that, without any permission to do so, and well after the Complainant had acquired its aforesaid trademark rights, the Respondent registered the domain name **<nestlemarket.com>** ("the Disputed Domain Name") on June 14, 2026 which consists of the NESTLE trademark, the generic word "market" and the Top Level Domain ".com." The Complainant maintains that this is a clear infringement of its NESTLE trademark and the Policy.

The Disputed Domain Name was initially registered and used to host a website that impersonated the Complainant and purported to offer products of the Complainant for sale. At the instigation of the Complainant, that website was taken down. However, the Disputed Domain Name was re-registered on June 14, 2026 and was caused to resolve to a Chinese-language website where images of allegedly genuine products of the Complainant were displayed and used as a bait for a fraudulent investment scheme. The Disputed Domain Name has remained registered but it does not now resolve to an active website. The Complainant has become increasingly concerned that while it remains registered, the Disputed Domain Name has the potential to be used at any time in the future for improper and illegal purposes. The Complainant has therefore come to the conclusion that it should institute this proceeding to protect its trademark rights and to protect innocent internet users who may be induced to believe that the Disputed Domain Name and any website to which it resolves are genuine, whereas in fact they will be entirely illegal. The Complainant therefore brings this proceeding to obtain the transfer of the Disputed Domain Name to itself.

The Complainant therefore seeks to have the Disputed Domain Name transferred to itself on the grounds that it is confusingly similar to the NESTLE trademark, that the Respondent has no rights or legitimate interests in it and that the Respondent has registered and used it in bad faith.

The Complainant has therefore brought this proceeding under the Uniform Domain Name Dispute Resolution Policy ("the Policy") to obtain the transfer of the Disputed Domain Name and thus achieve the cessation of the improper uses to which it has been put.

PARTIES CONTENTIONS

THE Complainant

1. The Complainant is a renowned Swiss company engaged in the manufacture and distribution of a broad range of food products and related goods and services and has been so engaged since 1866. It is a subsidiary of Nestle S.A., the main operating company in the famous Nestle Group.
2. The Complainant provides its goods and services under the trademark for NESTLE.
3. The Complainant acquired its trademark rights in NESTLE by its registration of the foregoing trademark ("the NESTLE trademark").
4. The Respondent registered the domain name <nestlemarket.com> on June 14, 2026 ("the Disputed Domain Name").
5. The Disputed Domain Name is confusingly similar to the NESTLE trademark because it includes the entirety of the NESTLE trademark with the addition of the generic word "market" and the addition of the Top Level Domain ".com." In particular, the Complainant submits that internet users would take the Disputed Domain Name to be a domain name of the Complainant or one that is authorized by it. Moreover, the Complainant submits that the presence of the word "market" would not result in the negation of that conclusion, because internet users would assume that it dealt with the provision of the Complainant's goods and services through a market or related means of acquisition.
6. As a consequence, it is submitted that the Disputed Domain Name would be understood by internet users to be invoking the Complainant and its trademark, although the Respondent had no authority to do so.
7. The Respondent has no rights or legitimate interests in the Disputed Domain Name. That is submitted on the following grounds, namely that:

(a) the Respondent does not have any trademark rights in NESTLE or any similar expression, which is the first and dominant feature of the Disputed Domain Name;

(b) the Respondent has not used the Disputed Domain Name for a bona fide offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy;

(c) the Respondent has not made a legitimate noncommercial or fair use of the Disputed Domain Name within the meaning of paragraph 4(c)(iii) of the Policy;

(d) the Respondent is not commonly known by the Disputed Domain Name within the meaning of paragraph 4(c)(ii) of the Policy;

(e) there is no affiliation, business or other relationship between the Complainant and the Respondent; and

(f) there is no other ground on which it could conceivably be argued that the Respondent has a right or legitimate interest in the

Disputed Domain Name.

8. The Respondent has registered and used the Disputed Domain Name in bad faith on the grounds that:

(a) in constructing the Disputed Domain Name, the Respondent has included the Complainant's famous NESTLE trademark which gives rise to the presumption that internet users would read the domain name as one that is connected with the Complainant, which it is not;

(b) the Respondent has targeted the Complainant's famous NESTLE trademark;

(c) the Disputed Domain Name was initially registered and used to host a website that impersonated the Complainant and purported to offer products of the Complainant for sale; at the instigation of the Complainant, that website was taken down; however, the Disputed Domain Name was re-registered on June 14, 2026 and was caused to resolve to a Chinese-language website where images of allegedly genuine products of the Complainant were displayed and used as a bait for a fraudulent investment scheme; the Disputed Domain Name has remained registered, does not now resolve to an active website and is passively held with the potential for it to be used in the future for improper and illegal purposes either by the Respondent or another party who might acquire it;

(d) the aforesaid conduct of the Respondent has the potential to disrupt the Complainant's business within the meaning of paragraph 4 (b)(iii) of the Policy;

(e) the aforesaid conduct of the Respondent has the potential to generate confusion within the meaning of paragraph 4 (b)(iv) of the Policy;

(f) the Respondent had actual knowledge of the trademark and the Complainant's rights in it when the Respondent registered the Disputed Domain Name; and

(g) there is no plausible ground on which it could be argued that the Disputed Domain Name was registered and used otherwise than in bad faith.

Accordingly, it is submitted that the Complainant will be able to establish all of the elements it is required to prove and that it is entitled to the relief that is seeks, namely transfer of the Disputed Domain Name to itself.

THE Respondent

The Respondent did not file a Response that was administratively compliant.

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

This is a mandatory administrative proceeding pursuant to Paragraph 4 of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”) of the Internet Corporation for Assigned Names and Numbers (“ICANN”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the CAC Supplemental Rules.

1. Administrative requirements

On August 3, 2026, the CAC conducted the required Complaint Check in the Administrative Proceeding and advised the Complainant of the following administrative deficiencies, namely that the Complaint did not provide the name of the Respondent (domain–name holder) and all information (including any postal and e-mail addresses and telephone and fax numbers) known to Complainant regarding how to contact Respondent or any representative of Respondent, including contact information based on pre-complaint dealings, in sufficient detail to allow the CAC to send the Complaint as described in Paragraph 2(a) [Rules, Paragraph 3(b)(v)]. The Complainant was requested in accordance with Paragraph 4 (d) of the Rules, to correct the above-mentioned deficiencies and submit an amended Complaint within five (5) days of receiving that notification. On August 10, 2026, the Complainant filed the amended Complaint which was admitted to proceed further in the proceeding. Accordingly, the formal date of commencement of the Administrative Proceeding in accordance with Paragraph 4(f) of the Rules was August 10, 2026.

2. Substantive matters

Paragraph 15 of the Rules provides that the Panel is to decide the 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 that it deems applicable. In that regard, the Panel also notes that the onus is on the Complainant to make out its case, and past UDRP panels have consistently said that a complainant must show that all three elements of the Policy have been made out before any order can be made to transfer a domain name.

The Panel therefore turns to discuss the various issues that arise for decision on the facts as they are known.

For the Complainant to succeed it must prove, within the meaning of Paragraph 4(a) of the Policy, that:

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

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

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

The Panel will therefore deal with each of these requirements in turn.

1. Identical or Confusingly Similar.

The first issue that arises is whether the Complainant has a trademark on which it may rely in this proceeding. In that regard, the Panel finds that the Complainant has adduced evidence that the Panel accepts, that it is the registered owner of the NESTLE trademark, particulars of which are set out above. That evidence is in documentary form that the Panel has examined and finds to be in order and that the NESTLES trademark was registered well prior to the date on which the Respondent registered the Disputed Domain Name and that it is current. The Panel therefore finds that the Complainant has established its trademark rights and hence its standing to bring this proceeding.

The next issue is whether the Disputed Domain Name is confusingly similar to the NESTLES trademark. The Panel finds that the Disputed Domain Name is confusingly similar to the NESTLES trademark for the following reasons.

The evidence has established that on June 14, 2026, the Respondent registered the Disputed Domain Name which includes the entirety of the NESTLES trademark as its first and most dominant feature. As a consequence, the Disputed Domain Name would be understood by internet users to be invoking the Complainant and its trademark and as being a domain name of the Complainant or one that had been registered with its permission, neither of which is the case.

The Disputed Domain Name also includes the generic word “market” inserted immediately after the trademark. It has long been held that in considering the issue of confusing similarity, such an addition does not negate a finding of confusing similarity where the domain name is clearly identifiable, which it is in the present case. Internet users would therefore conclude that the Disputed Domain Name was invoking the notion of goods and services offered under the trademark in a marketplace or other outlet.

The Disputed Domain Name also includes the Top Level Domain “.com", but this cannot influence how a domain name is interpreted, as all domain names must have such an extension.

Putting these considerations together, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant’s NESTLE trademark; it is similar to the trademark because its first and dominant element is the trademark, and it is confusingly similar because internet users would conclude that it was an official and genuine domain name of the Complainant, invoking its goods and services offered under the trademark in a market place or other outlet and one that was registered by or with the authority of the Complainant.

The Complainant has therefore established the first element that it must show under Paragraph 4(a)(i) of the Policy.

2. Rights or Legitimate Interests.

Under Paragraph 4(a)(ii) of the Policy, the Complainant has the burden of establishing that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

But by virtue of Paragraph 4(c) of the Policy, it is open to a respondent to establish its rights or legitimate interests in a domain name, among other circumstances, by showing any of the following elements:

(i) before any notice to you [the respondent] of the dispute, your 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) you [the respondent] (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or

(iii) you [the respondent] are 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.

Thus, if a respondent proves any of these elements or indeed anything else that shows that it has a right or legitimate interest in the domain name, the complainant will have failed to discharge its onus and the complaint will fail. It is also well-established that a complainant is required first to make out a prima facie case that the respondent lacks rights or legitimate interests and that when such a prima facie case is made out, the respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the respondent cannot do so, a complainant is deemed to have satisfied Paragraph 4(a)(ii) of the Policy.

The Panel, after considering all of the evidence in the Complaint, finds that the Complainant has made out a strong prima facie case that the Respondent has no rights or legitimate interests in the Disputed Domain Name. The case is made stronger by the Complainant’s having adduced relevant documentary evidence which the Panel accepts, and by the Complainant's citation of previously decided UDRP cases which support its contentions.

The Panel will address each of the grounds relied on by the Complainant in the order in which they have been submitted by the Complainant. There is obviously some overlap between the various grounds relied on and the Panel will therefore discuss the substance and thrust of the Complainant’s submissions as a whole.

The Panel finds as follows:

- the evidence shows that the Respondent does not have any trademark rights in NESTLE or any similar expression, which is the first and dominant feature of the Disputed Domain Name; indeed, the trademark is so famous that it is inconceivable that any other party, including the Respondent, could have any rights in any such trademark; the Respondent is thus using the Complainant’s trademark without consent; the Respondent therefore cannot justify registering the Disputed Domain Name on the ground that it reflects some form of right that it has to use the expression “nestle”, as the evidence is that it does not have any such right; likewise, the Respondent cannot claim that the Disputed Domain Name reflects its own trademark for NESTLE, as the evidence is that it does not have any such trademark and it clearly would not have been able to register any such trademark in the same industry as that in which the Complainant was engaged; the Respondent therefore can have no right or legitimate interest in the Disputed Domain Name;
- the Respondent has not used the Disputed Domain Name for a bona fide offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy; it is clear from the chronology provided by the Complainant in annexes to the Complaint and the evidence of how the Disputed Domain Name has been used at various stages of its existence, that it was initially used to give the false impression that the Respondent was authorized to offer the Complainant’s well-known goods and services, then as a cover for a fraudulent investment scheme and more recently to engage in passive holding and no doubt to hold it in reserve for whatever new subterfuge the Respondent attempted to engage in; those uses have been amply demonstrated by several annexes to the Complaint which the Panel has examined; none of those uses could be described as bona fide and therefore none of them could conceivably give rise to a right or legitimate interest in the domain name used to perpetrate the Respondent’s subterfuges;
- the evidence shows that the Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Name within the meaning of paragraph 4(c)(iii) of the Policy; the Respondent’s aforesaid machinations were clearly illegitimate, clearly commercial and clearly not fair, either to the Complainant or to internet users in general;
- the evidence shows that the Respondent is not commonly known by the Disputed Domain Name within the meaning of paragraph 4(c)(ii) of the Policy; there is no evidence that the Respondent is known by the Disputed Domain Name and no evidence that it is known by any name other than its own, which is Luo Ping;
- there is no affiliation, business or other relationship between the Complainant and the Respondent; the evidence is that the Complainant has not given any permission or authority to the Respondent to register or use the Disputed Domain Name and there is no affiliation, business or other relationship between the Complainant and the Respondent; that being so, it could not be said that the Disputed Domain Name was registered with anything like the consent of the Complainant, which might then show a right or legitimate interest if made out on the evidence; in the present case, there is no such evidence; and
- there is no other ground on which it could conceivably be argued that the Respondent has a right or legitimate interest in the Disputed Domain Name.

The Complainant has therefore made out its prima facie case. The Respondent has not rebutted the prima facie case as it is in default and has not filed a Response.

The Complainant has therefore made out the second of the three elements that it must establish under Paragraph 4(a)(ii) of the Policy.

Registration and Use in Bad Faith.

The Complainant must prove on the balance of probabilities both that the Disputed Domain Name was registered in bad faith and that it is being used in bad faith.

Paragraph 4(b) of the Policy sets out four circumstances, any one of which is evidence of the registration and use of a domain name in bad faith, although other circumstances may also be relied on, as the four circumstances are not exclusive. The four specified circumstances are:

(i) circumstances indicating that the respondent has registered or 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 the respondent's documented out-of-pocket costs directly related to the domain name; or

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

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

(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to the respondent's website 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 the respondent's website or location or of a product or service on the site or location.

The Panel finds that the Complainant has shown that the Respondent registered and used the Disputed Domain Name in bad faith on all of the grounds relied on by the Complainant.

The Panel will deal with each of those grounds in the order in which they have been raised by the Complainant. In so doing, the Panel relies on the evidence and particularly on the foregoing evidence that the Respondent lacks a right or legitimate interest in the Disputed Domain Name, which is equally applicable to the issue of bad faith and which it is not necessary to repeat.

Those grounds are that:

- the evidence shows that in constructing the Disputed Domain Name, the Respondent has included the Complainant's famous NESTLE trademark and internet users would therefore read the domain name as one that is connected with the Complainant or authorized by it, which it is not;
- it is clear from the annexes to the Complaint already referred to, that the Respondent has targeted the Complainant's famous NESTLE trademark;
- the evidence is that the Disputed Domain Name was initially registered and used to host a website that impersonated the Complainant and purported to offer products of the Complainant for sale; at the instigation of the Complainant, that website was taken down; however, the Disputed Domain Name was re-registered on June 14, 2026 and was caused to resolve to a Chinese-language website where images of allegedly genuine products of the Complainant were displayed and used as a bait for a fraudulent investment scheme; the Disputed Domain Name has remained registered, does not now resolve to an active website and is passively held with the potential for it to be used in the future for improper and illegal purposes; all of those factors show that the Respondent has registered and used the domain name in bad faith;
- the evidence shows that the aforesaid conduct of the Respondent had and still has the potential to disrupt the Complainant's business within the meaning of paragraph 4 (b)(iii) of the Policy;
- the aforesaid conduct of the Respondent has the potential to generate confusion within the meaning of paragraph 4 (b)(iv) of the Policy; clearly the intention of the Respondent has been to confuse internet users into believing that its uses of the Disputed Domain Name were legitimate when they clearly were not; the Respondent has clearly sought to generate confusion between the Complainant and the Respondent within the meaning of paragraph 4(b)(iv) of the Policy by registering the Disputed Domain Name which is confusingly similar to the NESTLES trademark and in effect impersonating and passing itself off as the Complainant; the Respondent's subterfuge was devised for one reason, to give the false impression that it was the Complainant or was authorized by it, which was false; all of this amounted to generating confusion and this ground of bad faith is therefore made out;
- the Respondent had actual notice of the trademark and the Complainant's rights in it when it, the Respondent, registered the Disputed Domain Name; the presence of such a famous trademark in a domain name indicates that the Respondent was well-aware of the Complainant and its trademark, knew its target and hence registered the Disputed Domain Name in bad faith; indeed, the Respondent could not have carried out its subterfuge unless it had actual knowledge of the Complainant, its trademark, famous brand and services ;
- the Respondent has engaged in passive holding of the Disputed Domain Name; panels regularly find that if in effect a registrant has registered a domain name including a trademark with such prominence and has subsequently left the domain name in abeyance, with the potential for it to be used for improper purposes, that form of passive holding constitutes bad faith registration and use; and
- there is no plausible ground on which it could be argued that the Disputed Domain Name was registered and used otherwise than in bad faith; all of the evidence points to the intention of the Respondent to use the Complainant's trademark for its own deceptive ends.

The Complainant has therefore made out the third of the three elements that it must establish under Paragraph 4(a)(iii) of the Policy.

The Complainant has thus established all of the elements it is required to prove under the Policy and has done so by the evidence.

The Complainant is therefore entitled to the relief that it seeks, namely transfer of the Disputed Domain Name.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **nestlemarket.com**: Transferred

PANELLISTS

Name	**Neil Brown**

DATE OF PANEL DECISION 2026-09-05

Publish the Decision