

Decision for dispute CAC-UDRP-108890

Case number	CAC-UDRP-108890
Time of filing	2026-07-31 14:54:37
Domain names	nestlewatersnorthamerica.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (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	KOI TOTO
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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 is the owner of the "NESTLE" trademark registered in jurisdictions throughout the world, including the following international registration:

Mark	Registration number	Jurisdiction	Nice classes
NESTLE	793804	International registration under the Madrid System, designating numerous jurisdictions	1 to 44

The international registration dates from December 10, 2002, and has been renewed to December 10, 2032.

The goods in class 32 include mineral and sparkling water and other non-alcoholic beverages.

FACTUAL BACKGROUND

The Complainant, Société des Produits Nestlé S.A., is a wholly owned subsidiary of Nestlé S.A. It holds the majority of the trademarks of the Nestlé Group, including the "NESTLE" trademark.

The Nestlé Group carries on a substantial food and beverage business around the world. Its products include bottled water. Brand Finance's 2023 report ranks Nestlé as the world's most valuable food brand.

Nestlé Waters North America was the name of the group's North American water business. Its US and Canadian regional water business was sold in 2021. The Panel therefore treats that connection as historical.

The historical WHOIS material records an original creation date of July 11, 2002. The September 7, 2009 record identifies Perrier Group of America as registrant and Nestle Waters North America as the administrative and technical contact.

The August 9, 2014 records identifies Nestle Waters North America as registrant and the Complainant as technical contact. The July 13, 2025 record still names Nestle Waters North America. Its underlying registrar entry records July 11, 2025 as the expiration date, and other WHOIS material records July 11, 2026.

These snapshots establish the historical connection, but not the precise date on which the earlier registration ended. The Panel does not regard the continued appearance of that name in the July 13, 2025 record as proof of continuing ownership by the Complainant's group.

The earlier registration was allowed to lapse and expired in July 2025.

The WHOIS material records a new registration date of September 26, 2025, while the Registrar's verification dated August 18, 2026 to the CAC states September 27, 2025 at 02:32:14. The record does not explain that difference. The Respondent asserts that it acquired the disputed domain name on October 9, 2025. A registry creation date and a later acquisition date need not be the same. It is unnecessary to resolve the exact date for the purposes of this decision.

The disputed domain name is registered with Gname 249 Inc (the **Registrar**). The registrant's identity was redacted in the WHOIS material. Following the Registrar's verification, the registrant was disclosed as "KOI TOTO", with an address in Sihanoukville, Cambodia, and the email address koitoto168@gmail.com. The name servers are those of Cloudflare.

The Complainant asserts that the disputed domain name redirected Internet users to "www.paxa.online". The evidence adduced shows a screenshot of that destination, captured on July 27, 2026. It shows an Indonesian language lottery and betting platform under the name BASKET168.

The Respondent does not specifically deny the redirection and asserts that it used the disputed domain name to promote its own website or business.

PARTIES CONTENTIONS

The Complainant

The Complainant contends that the disputed domain name is confusingly similar to its "NESTLE" trademark. The trademark is reproduced in its entirety, and the added terms "waters" and "north america" do not prevent a finding of confusing similarity. The Complainant also relies on the fact that the disputed domain name, read as a whole, is "Nestlé Waters North America", the name of the Complainant's former North American bottled water business, and that it was formerly that business's own domain name.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. It contends that the Respondent is not licensed or authorised by the Complainant; is not commonly known by the disputed domain name; and is not making a bona fide offering of goods or services or a legitimate non-commercial or fair use. The only use is to redirect Internet users to an unrelated online betting platform for commercial gain.

The Complainant contends that the Respondent's apparent connection with the "toto" betting business does not confer any right or legitimate interest in the disputed domain name as such.

The Complainant contends that the disputed domain name was registered and is being used in bad faith.

It relies on the fame of the "NESTLE" trademark; on the Respondent's acquisition of a domain name with a documented history of ownership by the Complainant's group, immediately after its release, rather than any other available string; on the redirection of the disputed domain name to an unrelated betting platform for commercial gain within paragraph 4(b)(iv) of the Policy; on the correspondence between the Respondent's disclosed name and email address ("KOI TOTO", "koitoto168") and the betting content at the redirect destination; and on the concealment of the Respondent's identity behind the Registrar's redaction system.

The Respondent

The Respondent has filed an administratively compliant Response contesting the Complaint. The Response is signed "KOI GUNAWAN".

The Response is presented under the heading concerning bad faith. It does not specifically dispute the Complainant's trademark

rights or confusing similarity. Its account of the acquisition and use of the disputed domain name is also relevant to rights or legitimate interests, and the Panel has considered it under both elements.

The Respondent asserts that it acquired the disputed domain name on October 9, 2025. It asserts that the name "was selected because the name was considered interesting" and that it was not acquired as part of a deliberate attempt to target the Complainant.

The Respondent denies that it acquired the disputed domain name for the purpose of selling, renting or otherwise transferring it to the Complainant or a competitor. It asserts that it has never offered the disputed domain name for sale to the Complainant and has never approached the Complainant seeking payment.

The Respondent asserts that "the website did not use the Complainant's logo" and that the disputed domain name "was used in connection with the promotion of the Respondent's own website/business".

The Respondent filed three images. The first is a cropped invoice line showing "DOMCOAST42539 x 1", "Nestlewatersnorthamerica.com", "Gname" and "\$119.00". It does not show a date or identify the purchaser. The second appears to show an earlier Nestlé Waters North America webpage, with its logo, the words "The Healthy Hydration Company" and a press release dated February 26, 2016. The source and capture date are not shown. The third is a WHOIS lookup showing registration on September 26, 2025, an update on August 18, 2026, and the status "client transfer prohibited" and "client update prohibited".

The Respondent requests that the Complaint be denied.

RIGHTS

The Complainant must establish each element of paragraph 4(a) of the Policy on the balance of probabilities. Its international registration establishes rights in the "NESTLE" trademark for the first element. See WIPO Overview 3.1, sections 1.2.1 and 4.2.

Confusing similarity is a threshold test based on a comparison of the disputed domain name and the trademark. It is not the same inquiry as likelihood of confusion in a trademark infringement claim. See *F. Hoffmann-La Roche AG v. P Martin*, WIPO Case No. D2009-0323; WIPO Overview 3.1, section 1.7.

It is well established that a domain name which wholly incorporates a complainant's registered trademark may be sufficient to establish confusing similarity for UDRP purposes. See *Dr. Ing. h.c. F. Porsche AG v. Vasilii Terkin*, WIPO Case No. D2003-0888.

Where the trademark is recognisable within the domain name, the addition of other terms, whether descriptive, geographical or otherwise, does not prevent a finding of confusing similarity. See WIPO Overview 3.1, section 1.8.

Disregarding the ".com" suffix, the disputed domain name consists of the Complainant's "NESTLE" trademark in its entirety, followed by the terms "waters" and "north america". The trademark is clearly recognisable within the disputed domain name.

The addition of "waters" and "north america" does not prevent that recognition. The significance of those terms to the Respondent's choice and use of the domain name is considered under the second and third elements.

The ".com" suffix is a standard registration requirement and is disregarded for the purpose of considering this element. See WIPO Overview 3.1, section 1.11.1.

The Respondent has not contested this element.

Accordingly, 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

Paragraph 4(c) of the Policy identifies circumstances in which a respondent may demonstrate rights or legitimate interests. They include use for a bona fide offering of goods or services before notice of the dispute, being commonly known by the domain name, and legitimate non-commercial or fair use.

A complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests. See *Croatia Airlines d.d. v. Modern Empire Internet Ltd*, WIPO Case No. D2003-0455; *Document Technologies, Inc. v. International Electronic Communications Inc.*, WIPO Case No. D2000-0270; WIPO Overview 3.1, section 2.1.

Once a prima facie case is made, the burden of production shifts to the respondent to come forward with relevant evidence. The burden of proof remains with the complainant. Where, as here, a response has been filed, the Panel must assess the evidence as a whole rather than treat the absence of a separate answer under this heading as a concession.

Here, the Complainant asserts that it has not licensed or authorised the Respondent to use the "NESTLE" trademark, or to register a domain name incorporating it. There is no evidence that the Respondent has been commonly known by the disputed domain name

within the meaning of paragraph 4(c)(ii) of the Policy. The Registrar identifies the registrant as "KOI TOTO". The Response is signed "KOI GUNAWAN". Neither name bears any resemblance to "nestlewatersnorthamerica".

The use described in the Complaint is a redirection to an unrelated betting website. The combination of the "NESTLE" trademark with "waters" and "north america" suggests an association with the business formerly carried on under that name.

Using that association to attract users to an unrelated commercial website is not, without more, a bona fide offering or fair use. See WIPO Overview 3.1, section 2.5.1. This does not depend on whether the betting activity itself is lawful.

Accordingly, the Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Respondent relies on its purchase of the disputed domain name and its use to promote its own business. The Panel has considered both matters. Payment for a domain name establishes neither a right to use another party's trademark nor a legitimate interest under the Policy by itself.

The evidence adduced shows the destination website, not the redirection process itself. Nevertheless, the specific allegation of redirection is not denied. The Respondent instead asserts that the disputed domain name "was used in connection with the promotion of the Respondent's own website/business" and identifies no different use. Read together, the screenshot and the parties' accounts satisfy the Panel, on the balance of probabilities, that the domain name was used for the redirection alleged.

The existence of the Respondent's own business does not answer why the disputed domain name was used to promote it. There is no evidence that the Respondent trades as Nestlé Waters North America or is otherwise known by that name. Nor has it identified any descriptive connection between the name and the business being promoted. The evidence supports the inference that the promotional value lay in the association with the Complainant's trademark, rather than in any independent significance to the Respondent.

The Panel accepts the Respondent's assertion that the destination website did not use the Complainant's logo. That, however, does not remove the misleading association created by the disputed domain name itself. In these circumstances, the disputed domain name suggests an affiliation that the unrelated destination website does not have. Its use is commercial, and the Response identifies no basis for treating it as legitimate non-commercial or fair use under paragraph 4(c)(iii).

The statement that the name was "interesting" does not explain any independent entitlement to it.

Having considered the Respondent's contentions and the accompanying images, the Panel finds that the prima facie case has not been rebutted.

Accordingly, the Complainant has, to the satisfaction of the Panel, shown that the Respondent has 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

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances which, if found to be present, are evidence of registration and use of a domain name in bad faith.

Paragraph 4(b)(iv) provides that there is evidence of registration and use in bad faith where, by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation or endorsement of that website or location or of a product or service on it.

The Complainant relies principally on paragraph 4(b)(iv). It must establish both registration and use in bad faith.

Registration in bad faith

The relevant time is when the Respondent acquired the disputed domain name in 2025, not when it was first created in 2002. An acquisition by a new, unrelated registrant is assessed at that later date. See WIPO Overview 3.1, section 3.9.

The evidence establishes the substantial international reputation of the "NESTLE" trademark in food and beverage products, including bottled water. The Panel accepts that it was well known long before the Respondent acquired the disputed domain name in 2025.

The historical WHOIS material and website material also establish an earlier association between the disputed domain name and Nestlé Waters North America. That history is relevant to the Respondent's choice and use of the name.

The disputed domain name combines the Complainant's trademark "NESTLE" with "waters" and "north america". It reproduces the name under which the group's former North American water business operated. The Panel considers that those additional words matter because they point to a particular commercial association, not merely the selection of a word that happens to coincide with a trademark.

The Respondent's invoice image is, on its face, consistent with a purchase of the domain name for the displayed amount of \$119.00, although the image is cropped.

The Panel, however, considers that it does not establish the date or method of acquisition. There is no sufficient basis for treating the price as a premium, identifying a backorder service, or inferring bad faith from the price alone.

The Respondent's image of the earlier Nestlé Waters North America webpage is consistent with the historical association shown in the Complainant's evidence. It does not, however, establish when the Respondent learned of that association.

For instance, the image could have been obtained when preparing the Response. The Panel does not rely on possession of it as proof of knowledge at acquisition, or as evidence that the Respondent displayed the Complainant's logo on its own website.

Against this, the Respondent asserts that it selected the disputed domain name because it "was considered interesting" and that it did not deliberately target the Complainant.

The Panel has weighed that denial against the composition of the disputed domain name, the reputation of the Complainant's trademark "NESTLE" and the use made of the disputed domain name to promote an unrelated business.

The Respondent does not explain what it found interesting about this particular combination or identify a purpose unrelated to the trademark. That omission is not a substitute for proof. It leaves the inference arising from the Complainant's evidence unanswered. See WIPO Overview 3.1, sections 3.1.4 and 3.2.1.

On balance, the Panel considers the more likely explanation is that the Respondent acquired the disputed domain name knowing of its association with Nestlé and intending to use that association to attract visitors to its own business. The subsequent promotional use supports that inference about the purpose of acquisition.

The Panel does not infer registration in bad faith merely because a later use was objectionable.

This conclusion is the same if the Respondent acquired the disputed domain name on October 9, 2025, as it asserts.

The invoice does not corroborate that date, but the earlier registration dates in the WHOIS material do not disprove a later purchase. The Panel draws no adverse inference about the Respondent's credibility from that difference.

Use in bad faith

For the reasons given under the second element, the Panel finds that the disputed domain name redirected users to the BASKET168 betting website at "www.paxa.online". This is consistent with the Respondent's express account that the disputed domain name was used to promote its own website or business.

The evidence adduced shows registration and login invitations and betting promotions, which indicate a commercial purpose. The Panel considers that together with the Respondent's account of promoting its own business, they support the finding that the redirection was intended to generate commercial gain. Proof of a particular payment or completed transaction is not required by paragraph 4(b)(iv), which concerns an intentional attempt to attract users for commercial gain.

The Panel considers that the disputed domain name is apt to lead users to expect a website associated with Nestlé and its former North American water business. Its historical use reinforces that association. The Panel finds that the Respondent used that misleading impression to attract users to an unrelated commercial destination. That conduct falls within paragraph 4(b)(iv). See WIPO Overview 3.1, section 3.1.4.

The absence of the Complainant's logo from the destination does not answer the confusion used to bring visitors there. Nor is it necessary for the destination to continue impersonating the Complainant once reached. The finding rests on intentional commercial diversion, not on a conclusion that the betting activity was unlawful or that any particular damage to the trademark has been proved.

The Respondent's remaining contentions

The Respondent asserts that it did not acquire the disputed domain name for the purpose of selling it to the Complainant or a competitor, and that it has never approached the Complainant seeking payment.

The Panel accepts that there is no evidence of an offer for sale to the Complainant or a request for payment. The generic "Make offer" feature in the Respondent's WHOIS screenshot does not establish such an offer by the Respondent. The circumstances in paragraph 4(b) are alternatives, however. The absence of conduct within paragraph 4(b)(i) does not displace the finding under paragraph 4(b)(iv).

The Panel also draws no adverse inference from redaction of the WHOIS material. Redaction alone does not establish concealment for an improper purpose. See WIPO Overview 3.1, section 3.6. Nor does the signature "KOI GUNAWAN", on a Response identifying "KOI TOTO" as the Respondent, establish a false identity. The form expressly permits signature by a person acting on behalf of the named party.

Conclusion on bad faith

Having considered both parties' evidence and contentions, the Panel is satisfied on the balance of probabilities that the Respondent acquired the disputed domain name with knowledge of the "NESTLE" trademark and with the intention of exploiting its association

with the former Nestlé Waters North America business. The Respondent then used it to divert users to an unrelated betting website for commercial gain in the manner described in paragraph 4(b)(iv).

Accordingly, the Complainant has, to the satisfaction of the Panel, shown that 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

Language of the proceeding

The Registrar has confirmed that the language of the registration agreement is English.

The Complaint and the Response were each filed in English.

In accordance with paragraph 11(a) of the Rules, the language of this proceeding is English.

Notification of proceedings to the Respondent

When forwarding a Complaint, including any annexes, electronically to the Respondent, paragraph 2 of the Rules states that the CAC shall employ reasonably available means calculated to achieve actual notice to the Respondent.

The Respondent has received the Complaint and filed an administratively compliant Response with supporting material. It raises no objection to notification or to its opportunity to present its case. The Panel has considered that material in full.

The Respondent received actual notice of the proceeding and has participated in it.

The Panel is satisfied that the procedural requirements of the Policy and the Rules have been met. There is no procedural reason why the Panel should not proceed to determine the Complaint.

PRINCIPAL REASONS FOR THE DECISION

The Complainant owns the "NESTLE" trademark, including International Registration No. 793804, which is well known throughout the world in connection with food and beverage products, including bottled water.

The disputed domain name <nestlewatersnorthamerica.com> has a documented historical association with Nestlé Waters North America. The Respondent acquired it in 2025 without the Complainant's authorisation and used it to redirect users to an unrelated lottery and betting website.

The Complainant challenges the registration and use of the disputed domain name under paragraph 4(a) of the Uniform Domain Name Dispute Resolution Policy and seeks its transfer.

The Panel has considered the Response under each relevant element, including the purchase evidence, the denial of targeting and the explanation that the name was "interesting".

The combination of the well-known mark with the name of the former water business, followed by use to promote an unrelated business, supports the inference of deliberate targeting.

The Respondent has not offered a persuasive explanation for that combination independent of its trademark significance.

For the reasons articulated in the Panel's findings above, the Panel is satisfied that:

- (a) the disputed domain name is confusingly similar to the Complainant's "NESTLE" trademark;
- (b) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (c) the disputed domain name has been registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **nestlewatersnorthamerica.com**: Transferred

PANELLISTS

Name	William Lye OAM KC
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DATE OF PANEL DECISION	2026-09-18
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Publish the Decision	
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