

ADMINISTRATIVE PANEL DECISION

Saputo Dairy Products Canada G.P. v. ss ss, ggggggcccgggcccc, and Kaixin He, BuildHost Inc
Case No. D2024-3618

1. The Parties

Complainant is Saputo Dairy Products Canada G.P., Canada, represented by T&G Law Firm LLC, Viet Nam.

Respondents are ss ss, ggggggcccgggcccc, Thailand, and Kaixin He, BuildHost Inc, Hong Kong, China.

2. The Domain Names and Registrars

The disputed domain name <saputochat8.com> is registered with Name.com, Inc.

The disputed domain name <saputoranch.com> is registered with Gname.com Pte. Ltd. (the “Registrars”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 24, 2024. On September 6, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On September 9 and 10, 2024, the Registrars transmitted by email to the Center their verification response disclosing registrant and contact information for the disputed domain names, which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint.

The Center sent an email communication to Complainant on September 10, 2024, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. Complainant filed an amended Complaint on September 15 and 16, 2024.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondents of the Complaint, and the proceedings commenced on September 17, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 7, 2024. Respondents did not submit any response. Accordingly, the Center notified Respondents' default on October 8, 2024.

The Center appointed Lynda J. Zadra-Symes as the sole panelist in this matter on October 14, 2024. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

Complainant is an affiliate of Saputo Inc. (hereinafter collectively referred to as "Complainant"). Complainant produces, markets, and distributes a wide array of dairy products, including cheese, fluid milk, extended shelf-life milk and cream products, cultured products, and dairy ingredients. Complainant submits that it is a leading cheese manufacturer and fluid milk and cream processor in Canada, a leading dairy processor in Australia and the top dairy processor in Argentina. In the United States of America ("USA"), Complainant ranks among the top three cheese producers and is one of the top producers of extended shelf-life and cultured dairy products. In the United Kingdom, Complainant is the leading manufacturer of branded cheese and dairy spreads. In addition to its dairy portfolio, Complainant produces, markets, and distributes a range of dairy alternative cheeses and beverages. The SAPUTO brand was launched in the 1950s. Complainant operates its primary websites at "www.saputo.com" and "www.saputo.ca", which were created in 1996 and 2000, respectively. Complainant's websites provide information on its wide range of products, information on the sale of Complainant's products, as well as information about the company.

Complainant owns the following trademark registration in Viet Nam:

SAPUTO, Registration No. 4-0272344-000, registered November 25, 2016

The disputed domain name <saputoranch.com> was registered on June 6, 2024.

The disputed domain name <sapputochat8.com> was registered on June 28, 2024

Both disputed domain names resolve to a website operated by a Vietnamese Company purportedly named Saputo Ranch Engineering Company Limited and promote an "Adopt a Cow" program which directs potential participants to use the disputed domain names in the form of QR codes to download mobile applications. Complainant submits that the "Adopt a Cow" program promoted through the disputed domain names is a fraudulent Ponzi scheme luring Internet users to pay a fee online to "Adopt a Cow" with the false promise of a return on their investment.

Complainant submits that there are complaints from Internet users who have made payments using the disputed domain names to adopt cows, and subsequently were unable to log into the apps or contact the service provider. In addition, Complainant's on-site investigations of the registered address of the company, Saputo Ranch Engineering Co., Ltd., have revealed no evidence of legitimate business operations.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

Notably, Complainant contends that the disputed domain names incorporate Complainant's SAPUTO trademark in its entirety, that Respondents have no rights or legitimate interests in respect of the disputed domain names, and that the disputed domain names have been registered and are being used in bad faith.

B. Respondents

Respondents did not reply to Complainant's contentions.

6. Discussion and Findings

6.1 Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

With regard to common control, the Panel notes that both disputed domain names are prominently displayed on the website located at the domain name <saputo.com.vn>, which is operated by a Vietnamese Company named Saputo Ranch Engineering Company Limited ("Saputo Ranch Company"). This website promotes the "Adopt a Cow" program and directs potential participants to use the disputed domain names (in the form of QR codes) to download Saputo Ranch Company's mobile applications, namely: Saputo Ranch application and Saputo Chat application, suggesting Saputo Ranch Company's direct control and association with these disputed domain names. Complainant submitted a screenshot of the website at <saputo.com.vn>, which displays the disputed domain names and directs Internet users to use the disputed domain names to download the Saputo Ranch Company's mobile applications. The coordinated use of these domain names to promote and facilitate the "Adopt a Cow" scheme strongly suggests a unified operation under the control of Saputo Ranch Company. Both disputed domain names incorporate Complainant's trademark SAPUTO. The first disputed domain name was registered on June 6, 2024, and the second on June 28, 2024. The close registration dates of both disputed domain names, along with similar naming patterns can be considered significant indications of common control.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

The Panel finds that the disputed domain names are more likely than not to be subject to common control, that consolidation is fair and equitable to all parties and is appropriate in the interests of procedural efficiency. Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "Respondent") in a single proceeding.

6.2 Substantive Issues

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain names. Complainant's mark appears in its entirety in the disputed domain names. The additional terms "ranch", "chat", and number "8" do not avoid a finding of confusing similarity. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 1.8.

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

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain names. Respondent has not rebutted Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise.

Complainant has not authorized or otherwise permitted Respondent to use Complainant's trademark in the disputed domain names. There is no evidence that Respondent is commonly known by the disputed domain names. Respondent is not making a bona fide offering of goods or services or making a legitimate noncommercial or fair use of the disputed domain names. Accessing the disputed domain names via a computer leads to inactive websites. However, when accessed via a smartphone, the disputed domain names resolve to online cow adoption services, which appear to constitute a Ponzi scheme. Beyond this scheme, the web apps offer no other legitimate goods or services.

Panels have held that the use of a domain name for illegal activity, such as in connection with a fraudulent Ponzi scheme, as claimed here, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that Respondent registered the disputed domain name <saputoranch.com> on June 6, 2024 and registered the disputed domain name <saputochat8.com> on June 28, 2024, at least 70 years after Complainant and its affiliates began using the SAPUTO mark and 28 years after Complainant registered the domain name <saputo.com>. It is reasonable to infer that Respondent was aware of Complainant and its SAPUTO mark at the time of registering the disputed domain names, as

evidenced by the incorporation of the entirety of Complainant's mark in the disputed domain names in conjunction with web apps used to promote a service of adopting a cow. The disputed domain names resolve to two web apps which appear to engage in a Ponzi scheme when claiming to offer high rates of return to investors. The web apps operate a Ponzi scheme under the guise of a cow adoption service, promising high-interest rates with daily or weekly payouts. Furthermore, there are complaints from SAPUTO RANCH and SAPUTOCHAT users alleging fraudulent activity. Specifically, after making payments to adopt cows, users report being unable to log in to the app or contact the service provider. Investigations at the registered address of the company Saputo Ranch Engineering Co Ltd. have revealed no evidence of legitimate business operations. The record indicates that Respondent is using Complainant's trademark in the disputed domain names for the purpose of confusing consumers into believing Complainant is associated with Respondent's "adopt a cow" investment scheme, which appears very likely to be a fraudulent scheme.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for illegal activity as discussed above, specifically, using Complainant's mark to operate a fraudulent "adopt a cow" scheme, by which Internet users pay money through Respondent's apps, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds Respondent's registration and use of the disputed domain names constitutes bad faith under the Policy.

The Panel finds that Complainant has established the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain names <saputochat8.com> and <saputoranch.com> be transferred to Complainant.

/Lynda J. Zadra-Symes/

Lynda J. Zadra-Symes

Sole Panelist

Date: October 28, 2024