

ADMINISTRATIVE PANEL DECISION

Société des Produits Nestlé S.A. v. OSS Beck
Case No. D2024-3891

1. The Parties

The Complainant is Société des Produits Nestlé S.A., Switzerland, represented by Studio Barbero S.p.A., Italy.

The Respondent is OSS Beck, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain names <nestldinr.top>, <nestle2inr.xyz>, and <nestl2inr.top> are registered with Dominet (HK) Limited. The disputed domain name <nestiea.com> is registered with Alibaba.com Singapore E-Commerce Private Limited. (Alibaba.com Singapore E-Commerce Private Limited and Dominet (HK) Limited are hereinafter referred to as the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 24, 2024. On September 24, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On September 25, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (NA) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 27, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on September 30, 2024.

The Center verified that the Complaint together with the amendment to the 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 the Respondent of the Complaint, and the proceedings commenced on October 1, 2024. In accordance with the Rules, paragraph

5, the due date for Response was October 21, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 27, 2024.

The Center appointed Dawn Osborne as the sole panelist in this matter on November 5, 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

The Complainant is part of Nestlé Group, founded in 1866 by Henri Nestlé and is wholly owned by Nestlé S.A. The Complainant is the registered owner of the majority of the trademarks of the Nestlé Group. Today, Nestlé Group sells products and services all over the world in various industries, primarily in the food industry, including baby foods, breakfast cereals, chocolate & confectionery, coffee & beverages (including NESTEA drinks), bottled water, dairy products, ice cream, prepared foods, food services as well as pet food.

The Complainant markets its products worldwide in 188 countries, has about 270,000 employees worldwide and operates 340 production centers in 76 countries. With specific regard to the United States, the Complainant's presence in this country goes back to the early 1900s. Today, the Complainant's operations in the United States are composed of four main business: Nestlé USA, Nespresso, Nestlé Health Science, and Nestlé Purina PetCare Company. The Complainant has 112 United States offices and facilities around the in 28 States and employs over 36,000 people in the United States.

The Complainant is one of the world's largest food consumer products companies in terms of sales. The sales metrics of the group were CHF 84.3 billion worldwide in 2020, CHF 94.4 billion in 2022, and CHF 93.0 billion in 2023.

According to Fortune Magazine's annual ranking of the world's 500 largest companies, the "Fortune Global 500", the Complainant was the 106th biggest company in the world in 2022. According to Interbrand's annual Best Global Brands ranking for 2022, the trademark NESTLÉ was valued USD 10,921 million and was ranked as the 67th most valuable trademark in the world. The brand was ranked 67th also in 2023, with a value of USD 11,369. NESTLÉ has been included in said Interbrand's list since 2002. NESTLÉ is a well-known trademark across the world. The Complainant owns the domain name <nestle.com>, registered on October 25, 1994, which resolves to "www.nestle.com", the Complainant's primary web portal for global promotion.

The Complainant is the owner of several trademark registrations worldwide for NESTLÉ and NESTLE, including the following:

- International Trademark Registration No. 400444 for NESTLÉ (semi-figurative mark) of July 16, 1973, in classes 1, 5, 29, 30, 31, 32, and 33;
- International Trademark Registration No. 479337 for NESTLÉ (word mark) of August 12, 1983, in classes 1, 5, 29, 30, 31, 32, and 33;
- International Trademark Registration No. 490322 for NESTLÉ (figurative mark) of November 27, 1984, in classes 1, 5, 29, 30, 31, 32, and 33;
- International Trademark Registration No. 511513 for NESTLÉ (word mark) of April 3, 1987, in classes 3 and 16;
- European Union Trademark Registration No. 002977569 for NESTLE (word mark), filed on December 13, 2002 and registered on May 25, 2004, in classes 1 to 45;
- Chinese Trademark Registration No. 257670 for NESTLE (figurative mark), filed on October 6, 1985, and registered on July 29, 1986, in class 30;
- United States Trademark Registration No. 1622720 for NESTLE (figurative mark), filed on January 08, 1990, and registered on November 13, 1990, in classes 29 and 30, and 32; and

- United States Trademark Registration No. 1534496 for NESTLE (word mark), filed on April 3, 1987, and registered on April 11, 1989, in classes 29 and 30.

In addition to the above, the Complainant is also the owner of the trademark NESTEA, with registrations in many jurisdictions, including the following:

- European Union Trademark Registration No. 003338704 for NESTEA (word mark), filed on September 5, 2003, and registered on June 1, 2005, in classes 9, 11, 14, 16, 18, 21, 24, 25, 28, 29, 30, 32, 35, 41, and 43; and
- United States Trademark Registration No. 1739188 for NESTEA (word mark), filed on March 4, 1991, and registered on December 8, 1992, in class 32.

The disputed domain name <nestiea.com> was registered on August 13, 2024; the disputed domain name <nestl2inr.top> was registered on July 25, 2024; the disputed domain name <nestldinr.top> was registered on July 25, 2024; and the disputed domain name <nestle2inr.xyz> was registered on July 13, 2024.

The disputed domain names <nestiea.com>, <nestl2inr.top>, and <nestldinr.top> were initially redirected by the Respondent to identical websites using the NESTLÉ trademark and corporate logo as a masthead for a login form, without displaying any disclaimer of non-affiliation with the Complainant and failing to disclose the identity and contact information of the actual website operator.

The disputed domain name <nestle2inr.xyz> was redirected to a website promoting fraudulent investment services.

5. Parties' Contentions

A. Complainant

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

Notably, the Complainant contends that:

The disputed domain names registered by the Respondent are confusingly similar to the trademarks in which the Complainant has rights as listed above.

The disputed domain name <nestle2inr.xyz> encompasses the whole of the NESTLE trademark, whereas the disputed domain names <nestl2inr.top> and <nestldinr.top> contain the first five letters of the trademark, with the addition of the number "2" or the letter "d" and the three-letter term "inr" in all three of these disputed domain names.

The fact that the disputed domain name <nestle2inr.xyz> differs from the Complainant's trademark by the addition of the non-distinctive elements "2" and "inr" does not affect the confusing similarity. It is a well-established principle that a domain name that wholly incorporates a trademark is found to be confusingly similar for purposes of the Policy, despite the fact that the domain names may also contain other terms, whether descriptive, geographical, pejorative, meaningless, or otherwise.

As to the disputed domain names <nestl2inr.top> and <nestldinr.top>, the omission of the last letter "e" of the NESTLE trademark does not affect the confusing similarity. Indeed, this is a clear case of typosquatting since the second letter "e" of the Complainant's trademark has been replaced with the number "2" or the letter "d" which are close to the letter "e" on the keyboard.

As to the disputed domain name <nestiea.com>, this domain name is composed of seven letters, the first four and the sixth of which are identical to those of the NESTLE trademark, with the addition of a letter "a"

and the substitution of the letter “l” of the mark with a “i”. Such differences are not sufficient to avoid a finding of confusing similarity, also considering that the letter “i” is close to the letter “l” on the keyboard and the two letters seem identical when typed in upper case.

All the disputed domain names are confusingly similar to the Complainant’s registered trademark NESTLÉ, as they reproduce the whole trademark or dominant portion of the mark. In this regard, previous UDRP panels found that the addition or deletion of punctuation such as hyphens, apostrophes, and circumflexes are irrelevant changes, insufficient to reduce the identity or confusing similarity.

The disputed domain name <nestiea.com> is also confusingly similar to the Complainant’s trademark NESTEA, as it encompasses the trademark in its entirety with the mere addition of a single letter “i” and, from a comparison between the signs, this disputed domain name is visually and phonetically similar with the Complainant’s NESTEA mark.

In addition, as consistently found in several UDRP decisions, Top-Level Domains, including “.com”, “.top”, and “.xyz”, are merely instrumental to the use of the Internet so the disputed domain names remain confusingly similar despite their inclusion.

The Respondent is not commonly known by the disputed domain names and is not authorised by the Complainant. The websites connected with the disputed domain names used the Complainant’s trademark as a masthead in its logo form to purport to offer services from the Complainant. The disputed domain names <nestiea.com>, <nestl2inr.top>, and <nestldinr.top> featured a log in screen to collect users’ passwords for phishing purposes. The disputed domain name <nestle2inr.xyz> was redirected to a website promoting fraudulent investment services.

These uses are not a bona fide offering of goods or services or a legitimate noncommercial or fair use. The sites have now been taken down.

The disputed domain names were registered and used in bad faith. The websites attached to the disputed domain names were designed to deceive Internet users that the websites attached to the disputed domain names were official sites of the Complainant. The use of the Complainant’s mark as a masthead including in its logo form shows the Respondent was aware of the Complainant and its rights, business and services. The Respondent used the disputed domain names to confuse Internet users for commercial gain. Phishing and typosquatting are bad faith per se.

B. Respondent

The Respondent did not reply to the Complainant’s contentions.

6. Discussion and Findings

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 names. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.7.

The 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 entirety of the Complainant’s NESTLE mark is reproduced within the disputed domain name <nestle2inr.xyz>. Accordingly, this disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the Complainant's NESTEA mark is recognizable within the disputed domain name <nestiea.com> which appears to be a misspelling of it adding an extra letter "i". Accordingly, this disputed domain name is confusingly similar to the Complainant's NESTEA mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 1.9.

The Panel finds the Complainant's marks are all recognizable within the disputed domain names <nestldinr.top> and <nestl2inr.top>. Accordingly, these disputed domain names are confusingly similar to all of the Complainant's marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here the number "2", the letter "d", and/or the designation "inr" (often used to mean Indian Rupee) may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the Complainant's marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds 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 the 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 the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. The Respondent has not rebutted the 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.

The Respondent has used the Complainant's trademark as a masthead in its logo form to purport to offer services from the Complainant. The websites to which the disputed domain names <nestiea.com>, <nestl2inr.top>, and <nestldinr.top> resolved featured a log in screen to collect users' passwords likely for phishing purposes. The disputed domain name <nestle2inr.xyz> was redirected to a website promoting fraudulent investment services.

Panels have held that the use of a domain name for illegitimate activity here phishing and impersonation/passing off 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 the Respondent has used the Complainant's trademark as a masthead in its logo form to purport to offer services from the Complainant. The websites to which the disputed domain names <nestiea.com>, <nestl2inr.top>, and <nestldinr.top> resolved featured a log in screen to collect users' passwords for phishing purposes. The disputed domain name <nestle2inr.xyz> was redirected to a website promoting fraudulent investment services.

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 illegitimate activity here phishing and impersonation/passing off constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names constitutes bad faith under the Policy.

The Panel finds that the 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 <nestiea.com>, <nestldinr.top>, <nestle2inr.xyz>, and <nestl2inr.top> be transferred to the Complainant.

/Dawn Osborne/

Dawn Osborne

Sole Panelist

Date: November 11, 2024