

ADMINISTRATIVE PANEL DECISION

VAPOSTORE v. Nicholas A Hurley

Case No. D2025-5308

1. The Parties

The Complainant is VAPOSTORE, France, represented by MIIP MADE IN IP, France.

The Respondent is Nicholas A Hurley, United States of America.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 18, 2025. On December 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 20, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Redacted for privacy, Redacted for privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 23, 2025, 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 amended Complaint on December 24, 2025.

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 the Respondent of the Complaint, and the proceedings commenced on December 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 18, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 19, 2026.

The Center appointed Alissia Shchichka as the sole panelist in this matter on January 22, 2026. 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 VAPOSTORE, a French company operating the leading retail network in France for electronic cigarettes, e-liquids, and smokers' accessories. Founded in 2012, the Complainant operates more than 170 stores across France, including overseas territories, and has an international presence, notably in Switzerland, and Morocco.

The Complainant has evidenced to be the registered owner of numerous trademarks incorporating the sign VAPOSTORE, registered in several jurisdictions, including:

- European Union Trademark Registration No. 011389781, registered on May 22, 2013, for the figurative mark VAPOSTORE, in classes 5, 34, 35, and 43;
- European Union Trademark Registration No. 018157012, registered on May 22, 2020, for the figurative mark VAPOSTORE, in classes 5, 9, 34, 35, and 43;
- French Trademark Registration No. 3943986, registered on September 5, 2012, for the word mark VAPOSTORE, in classes 29, 30, 32, 33, 34, 35, and 43;

The Complainant also owns numerous domain names incorporating the VAPOSTORE trademark, including its official website at <vapostore.com>, registered on March 5, 2012, which is actively used for its online commercial activities.

The disputed domain name was registered on November 18, 2025. At the time of the decision, the disputed domain name is inactive. However, the Complaint has submitted evidence showing that, at the time of filing the Complaint, the disputed domain name was used in connection with a website closely imitating the Complainant's official website. That website reproduced the Complainant's trademarks, visual identity, and offered identical products at heavily discounted prices.

According to the disclosed Whois information, confirmed by the Registrar, the Respondent is located in the United States.

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.

According to the Complainant, the disputed domain name is confusingly similar to its VAPOSTORE trademark, as it fully incorporates the trademark with the mere addition of the letter "s", which does not alter the overall impression of the disputed domain name.

The Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name for several reasons: (i) the Respondent is not affiliated with the Complainant and has never been authorized or licensed to use the VAPOSTORE trademark; (ii) the Respondent does not own any trademark rights corresponding to the term "Vapostores"; (iii) the Respondent is not commonly known by the disputed domain name, and Internet searches for the term "Vapostores" exclusively refer to the Complainant; (iv) the disputed domain name resolved to a website reproducing the Complainant's trademarks, and the look and feel of the Complainant's official website, and offering similar products at bargain prices, with the apparent intent of taking unfair advantage of the Complainant's trademark reputation and diverting the Complainant's customers for the Respondent's own benefit; and (v) the disputed domain name constitutes a case of typosquatting, as it incorporates the Complainant's trademark with the addition of the letter "s", corresponding to a deliberate and minor deviation from a well-known mark. Typosquatting has consistently been held by UDRP panels not to constitute fair use and not to confer any rights or legitimate interests upon a respondent.

The Complainant further argues that the Respondent has registered and used the disputed domain name in bad faith for the following reasons: (i) the Complainant's VAPOSTORE trademark is well-known and enjoys a strong reputation in France and in several other countries; (ii) given the distinctiveness and reputation of the Complainant's trademark, it is implausible that the Respondent was unaware of the Complainant's prior rights. The use of a typosquatted disputed domain name, combined with the operation of a mirror website reproducing the Complainant's trademarks, and products demonstrates that the choice of the disputed domain name was not random, but an intentional attempt to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website; and (iii) the Respondent used a privacy service when registering the disputed domain name, which further reinforces the inference of bad faith.

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

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant carries the burden of proving:

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

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

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

The Respondent's default in the case at hand does not automatically result in a decision in favor of the Complainant, however, paragraph 5(f) of the Rules provides that if the Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the Complaint.

Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from the Respondent's failure to submit a response as it considers appropriate.

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 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 mark is reproduced within the disputed domain name. Accordingly, the 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 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 name.

Indeed, the Complainant has confirmed that the Respondent is not affiliated with the Complainant, or otherwise authorized or licensed to use the VAPOSTORE trademark or to seek registration of any domain name incorporating the trademark. The Respondent is also not known to be associated with the VAPOSTORE trademark, and there is no evidence showing that the Respondent has been commonly known by the disputed domain name. [WIPO Overview 3.0](#), section 2.3.

The disputed domain name previously resolved to a website featuring the Complainant’s trademark and offering similar products at discounted prices. The website presented itself as “Vapostore Soldes, Inc”, thereby misleading Internet users into believing that it was an official website of the Complainant offering discounted VAPOSTORE products.

Finally, the website contained no disclaimer indicating that there was no affiliation between the Complainant and the Respondent. These elements strongly suggest an attempt to impersonate the Complainant.

Prior panels have consistently held that such use does not constitute a bona fide offering of goods or services, as it seeks to exploit the reputation and goodwill associated with the Complainant’s trademark.

Furthermore, the use of a domain name for illegal activities, such as impersonation or passing off, cannot confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Accordingly, the Complainant has provided evidence supporting its prima facie claim that the Respondent lacks any rights or legitimate interests in the disputed domain name. 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 name such as those enumerated in the Policy or otherwise.

Therefore, the Panel concludes that the Respondent does not have any rights or legitimate interests in the disputed domain name and the Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

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 observes that the Complainant’s VAPOSTORE trademark predates the Respondent’s registration of the disputed domain name.

Moreover, the Respondent’s adoption of a disputed domain name incorporating the Complainant’s trademark combined with the use of the Complainant’s trademarks and the offering of goods identical to those of the Complainant on the previously associated website clearly demonstrates that the Respondent was aware of the Complainant’s business and trademark rights at the time of registering the disputed domain name. [WIPO Overview 3.0](#), section 3.2.2.

Additionally, the disputed domain name previously resolved to a website misleading the public into believing that it was affiliated with or originating from the Complainant. The absence of any disclaimer clarifying the lack of a relationship with the Complainant further contributed to the overall misleading impression. UDRP panels have consistently held that such use- impersonation, passing off, and any type of fraud- constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

In the Panel's view, the Respondent has intentionally attempted to attract Internet users to its website, for commercial gain, by creating a likelihood of confusion with the Complainant's trademarks regarding the source, sponsorship, affiliation, or endorsement of its website or the products offered on it. Pursuant to paragraph 4(b)(iv) of the Policy, this constitutes evidence of the registration and use of a disputed domain name in bad faith. [WIPO Overview 3.0](#), section 3.1.4.

In this context, the Panel also attaches significance to the fact that the Center did not receive any substantive response from the Respondent presenting arguments that could justify the good faith registration and use of the disputed domain name.

Based on the available record, 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 name <vapostores.com> be transferred to the Complainant.

/Alissia Shchichka/

Alissia Shchichka

Sole Panelist

Date: February 3, 2026