

ADMINISTRATIVE PANEL DECISION

Nicoventures Holdings Limited v. Colby Briyan
Case No. D2025-1769

1. The Parties

The Complainant is Nicoventures Holdings Limited, United Kingdom, represented by Demys Limited, United Kingdom.

The Respondent is Colby Briyan, France.

2. The Domain Name and Registrar

The disputed domain name <vusevapestore.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 2, 2025. On May 2, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 2, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 5, 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 May 9, 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 May 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 3, 2025.

The Center appointed Petter Rindforth as the sole panelist in this matter on June 13, 2025. 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 a United Kingdom based company in the tobacco goods industry, and is an entity within the British American Tobacco group of companies.

The Complainant is the owner of the following trademarks:

European Union trademark registration No. 010885994 VUSE (word), registered on November 27, 2012, for goods in Intl Classes 9 and 34;

United Kingdom national trademark registration No. UK00910885994 VUSE (word), registered November 27, 2012, for goods in Intl Classes 9 and 34; and

United Kingdom national trademark registration No. UK00003449044 VUSE (logo), registered February 28, 2020, for goods in Intl Class 34.

The Complainant operates several official country-specific VUSE websites to which Internet users are redirected when visiting the Complainant's <vuse.com> domain name.

The disputed domain name is <vusevapestore.com>.

The disputed domain name was created on January 19, 2025, and resolves to an active website which appears to offer the Complainant's VUSE products for sale, using information material from the Complainant, as well as the VUSE logo, product images and descriptions taken from the Complainant's regional website for Middle East located at the URL "www.vusestore.com".

No further information is available on the Respondent.

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 considering that the Complainant's VUSE products are used for vaping, and the Complainant sells them directly to consumers via, inter alia, domain name/s, the adornment "vape store" in the disputed domain name <vusevapestore.com> is closely related to the Complainant and Complainant's activities.

The Respondent's registration and use of the disputed domain name is not authorized by, endorsed by, or otherwise affiliated with the Complainant.

The Respondent's website contains no information about the identity of the Respondent.

The Complainant's agent wrote to the Respondent on March 5, 2025, with no reply, as well as to the hosting provider, asking them to remove the infringing content from their servers. The hosting provider passed on the abuse report to the Respondent who removed a single web page, but took no further action to address the Complainant's legitimate concerns.

The Complainant has a reasonable apprehension that the website associated with the disputed domain name is used in relation to the sale of either counterfeit, or “parallel import”, or “grey market” goods.

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 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 disputed domain name clearly starts with the Complainant’s trademark, only adding thereafter descriptive words and the top level domain “.com”.

Although the addition of other terms - here, “vape” and “store” - 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 name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8. Both added words are closely related to the Complainant’s goods and services, and in fact rather add to the false vision of some kind of relationship with the Complainant, as further discussed under the third element below.

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. 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.

As shown by the Complainant, the disputed domain name is linked to a website that uses the Complainant's figurative version of the trademark, as well as copying text and pictures from the Complainant's website, all for the obvious goal to give consumers the false impression that the domain name and connected web site is connected to, or accepted by, the Complainant. Panels have held that the use of a domain name for illegitimate/illegal activity, such as sale of counterfeit goods or 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 registered a domain name that clearly includes the Complainant's trademark, in combination with descriptive words used by Complainant when selling the goods connected to the trademark, and linked the disputed domain name to a website that has copied both text, logos and pictures from the Complainant's official website.

The Respondent has thereby intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark.

Panels have held that the use of a domain name for illegitimate and illegal activity, here sale of counterfeit goods, 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 name 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 name <vusevapestore.com> be transferred to the Complainant.

/Petter Rindforth/

Petter Rindforth

Sole Panelist

Date: July 1, 2025