

ADMINISTRATIVE PANEL DECISION

Newrest Group Holding SA v. Tremia Nash
Case No. D2025-2409

1. The Parties

The Complainant is Newrest Group Holding SA, Spain, represented by Plasseraud IP, France.

The Respondent is Tremia Nash, United States of America ("USA").

2. The Domain Name and Registrar

The disputed domain name <newrestatl.net> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 18, 2025. On June 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 18, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 19, 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 June 19, 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 June 23, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 13, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 14, 2025.

The Center appointed Richard C.K. van Oerle as the sole panelist in this matter on July 18, 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 states, in summary and in so far as relevant, the following:

The Complainant began in 1996 under the name Catair. It became Newrest in 2005 and is one of the world leaders in multi-sector catering around the world. With its 60,380 employees spread in 53 countries worldwide and 4 business sectors, the Complainant, whose turnover amounts to EUR 2,509 million in 2023/24, is one of the world's leading independent player in airline catering, but it also is offering a wide range of other services such as buy-on-board and duty-free services, catering, living bases, rail catering, airport and motorway concessions, and support services. Internationally the Complainant also operates in the United States of America, more specifically, the Complainant has been active in Atlanta since 2021, where the Complainant employs more than 1000 employees.

The NEWREST trademark is therefore widely used by the Complainant to designate and promote its multi-sector catering and associated services all over the world.

The Complainant holds numerous trademarks registrations for NEWREST on a worldwide basis, inter alia:

- France Trademark Registration, registration No. 3444684 (figurative), registered August 4, 2006,
- European Union Trademark Registration, registration No. 016543241 (figurative), registered on September 27, 2017,
- International Trademark Registration, registration No. 1379893 (figurative), registered on October 2, 2017, designating Algeria, Morocco, Switzerland, Tunisia, Türkiye, United Kingdom and USA, where the Respondent is apparently located.

All registrations have been duly renewed and are still valid. The registrations will jointly be referred to as the "Trademark".

The Complainant's official website is "www.newrest.eu".

The disputed domain name was registered on November 13, 2024. It resolves to the Registrar's parking page providing various pay-per-click ("PPC") commercial advertising links.

The Respondent has activated the Mail Exchange ("MX") servers of the disputed domain name.

In order to get the disputed domain name blocked, the Complainant contacted the Registrar. The Complainant subsequently contacted the mail server provider to request the deactivation of the MX configuration. Despite several reminders, only automatic answers were received. The Complainant tried to contact the owner of the disputed domain name through the online form provided by the Registrar; the Complainant also sent a cease-and-desist letter to the Registrar asking them to forward it to the registrant of the disputed domain name. No response was obtained.

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 name is highly similar to the Trademark, which

is fully reproduced within the disputed domain name, followed by the letters “atl” which correspond to the [International Air Transport Association] [(“IATA”)] airport code for the city of Atlanta, USA, where the Complainant successfully operates. The IATA airport code being a location indicator, it can be compared to an ISO code and thus be considered as a non-distinctive element in the disputed domain name.

Next, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name.

To the Complainant’s best knowledge, the disputed domain name neither corresponds to the name of the Respondent nor to any trademark registered in its name. The Complainant has not found any registered trademark corresponding to the disputed domain name in the name of the Respondent.

Second, the Complainant has never granted the Respondent any license or other rights and has not otherwise authorized the Respondent to register and to use any domain names incorporating the Trademark.

Thirdly, there is no evidence of any fair, noncommercial or bona fide use of the disputed domain name. Indeed, the disputed domain name resolves to the Registrar’s default parking page, displaying commercial links related to the Complainant’s field of activity, namely catering and restauration. These PPC links are likely to generate revenues. Hence, it cannot be inferred that the Respondent is making a legitimate noncommercial or fair use of disputed domain name. Besides, at least a part of the sponsored links displayed through the disputed domain name promote activities in the field of catering. The disputed domain name is not used in connection with a bona fide offering of goods or services.

In this respect, the composition of the disputed domain name also establishes the Respondent’s absence of rights and of legitimate interests.

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

First, the Complainant argues that registering a domain name that is confusingly similar to a well-known trademark, without any relationship to that trademark, is sufficient evidence of bad faith registration.

Second, the Complainant asserts that the Respondent is using the disputed domain name to direct Internet users to a webpage displaying PPC links. These links are likely to generate revenue for the Respondent, panels have held that the use of domain names to divert Internet users and to direct them to a webpage providing revenues is bad faith. Furthermore, these PPC links are related to the Complainant’s field of activity (catering and restoration), further supporting the claim of bad faith use. The Complainant contends that the Respondent is unfairly capitalizing on the Complainant’s trademark to generate commercial gains by creating initial interest confusion among Internet users.

Third, the Complainant points out that MX servers have been configured on the disputed domain name, creating a risk of phishing.

The Respondent has consistently remained silent and unreachable despite the Complainant’s repeated attempts to communicate.

The Complainant argues that the Respondent’s actions fall under paragraph 4(b)(iv) of the Policy, indicating an intentional attempt to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant’s mark regarding the source, sponsorship, affiliation, or endorsement of the Respondent’s website or services.

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

Paragraph 4(a) of the Policy provides that a complainant must prove each of the following three elements in order to succeed in its Complaint:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The burden of proof of each element is borne by the Complainant. The Respondent's default does not by itself mean that the Complainant is deemed to have prevailed. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 4.3.

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.

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 Trademark 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.

Although the addition of other terms (here, the letters "atl") may bear on assessment of the second and third elements, the Panel finds the addition of such term 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.

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.

Based on the evidence, the Respondent is not affiliated or related to the Complainant in any way. There is no evidence that the Respondent has registered the disputed domain name as a trademark or acquired trademark rights. There is no evidence of the Respondent's use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services.

UDRP panels have largely held that the use of a domain name to host a parked page comprising PPC links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users. [WIPO Overview 3.0](#), section 2.9.

The Panel finds that the composition of the disputed domain name, combining the Trademark with the letters "atl" which can be understood as an abbreviation, and a IATA airport code, for Atlanta, USA, an airport in which the Complainant operates, signals the Respondent's intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the origin or affiliation of the website at the dispute domain name. The Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name in accordance with 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.

The disputed domain name replicates the Trademark in its entirety, with the addition of the letters "atl", the IATA code for Atlanta airport, where the Complainant operates and the Respondent is reportedly domiciled, all of which strongly suggests that the Respondent was aware of the Complainant and its Trademark.

Therefore, the Panel finds that the disputed domain name was registered in bad faith.

In the circumstances of this case, registering the disputed domain name which incorporates the Complainant's Trademark and then using it as a parked site hosting PPC links likely generating revenues, with some of the links related to the Complainant's field of activity, is bad faith. This is because the Respondent capitalizes on the reputation of the Complainant's Trademark.

The Respondent's establishment of MX servers with the disputed domain name, suggesting the disputed domain name could be used for sending emails, further supports a finding of bad faith in the circumstances of this case.

Therefore, the Panel finds that the disputed domain name has been registered and is being used in bad faith and 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 <newrestatl.net> be transferred to the Complainant.

/Richard C.K. van Oerle/

Richard C.K. van Oerle

Sole Panelist

Date: July 28, 2025