

ADMINISTRATIVE PANEL DECISION

Nicoventures Holdings Limited v. David Chen
Case No. D2025-2588

1. The Parties

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

The Respondent is David Chen, Australia.

2. The Domain Name and Registrar

The disputed domain name <vusego700.com> is registered with Spaceship, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 2, 2025. On July 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 3, 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 Purposes, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 4, 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 July 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 July 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 4, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 7, 2025.

The Center appointed Harini Narayanswamy as the sole panelist in this matter on August 19, 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 part of the British American Tobacco (BAT) group and acts as an investment holding company for BAT's new products. BAT was founded in 1902 and operates in about 160 countries and employs over 50,000 staff. It is listed on the London Stock Exchange and is a constituent of the FTSE Index. Its revenues in 2024 were about GBP 25.867 million. The Complainant is also the holder of intellectual property rights for the group, including its trademarks.

Among its new products are non-combustible vaping products sold under the VUSE trademark. The VUSE brand is used for its single use disposable electronic cigarettes and its VUSE GO 700 product provides 700 puffs of nicotine-salt-e-liquid in various flavors and nicotine strengths. Its revenue from new categories, which includes the VUSE brand, was GBP 3,432 million.

The Complainant owns a large portfolio of registered trademarks for the VUSE and VUSE GO marks, these include:

VUSE word mark United Kingdom trademark registration number 910885994, registration date November 27, 2012, in classes 9 and 34.

VUSE word mark European Union trademark registration number 10885994, registration date November 27, 2012, in classes 9 and 34.

VUSE Australia trademark registration number 1496512, registration date February 01, 2013, in class 34,

VUSE GO word mark United Kingdom trademark registration number 3780687, registration date July 22, 2022.

The Respondent registered the disputed domain name on February 28, 2025. The disputed domain name is redirected to <jp-vape.com> where a website displays, promotes and sells a number of vape products including products that directly compete with the Complainant's VUSE products. The predominant language used on the <jp-vape.com> website is Japanese.

5. Parties' Contentions

A. Complainant

The Complainant contends that its VUSE marks predate the registration of the disputed domain name by more than twelve years and VUSE GO marks by three years. The Complainant contends that the disputed domain name contains its VUSE and VUSE GO marks and the numeral "700". The Complainant states that it also operates country specific VUSE websites, to which Internet users are redirected when visiting the Complainant's <vuse.com> domain name.

The Complainant argues that "Vuse Go 700" does not have any generic meaning and only refers to the Complainant's product and therefore its use in the disputed domain name is confusingly similar to its mark. The Complainant contends that Respondent is not known by the terms "Vuse" or "Vuse Go", either prior to or after the registration of its marks. The Complainant also alleges that the Respondent has not traded legitimately under the business names "Vuse" or "Vuse Go 700".

The Complainant states that the Respondent is not licensed or permitted to use its marks in the disputed domain name or in any other manner. The Complainant contends <jp-vape.com> domain name to which users are redirected, was also registered on the same day as the disputed domain name and with the same Registrar, and it is likely that both the domain names are controlled by the Respondent.

The Complainant states that the Respondent is using the Complainant's mark to attract and divert Internet users to another website to sell products competing with the Complainant's products, which is not a bona fide offering of products nor is it making any legitimate noncommercial or fair use of the disputed domain name. The disputed domain name is being used to commercially gain by diverting customers looking for the Complainant's VUSE products. The Complainant argues that due to the risk of implied affiliation, the Respondent's use of the domain name to redirect users to competing websites would not support a claim to rights or legitimate interests (citing WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)") Section 2.5.3).

Notably, the Complainant argues that the disputed domain name causes initial interest confusion for users and the Respondent is intentionally attempting to attract for commercial gain, Internet users and then diverts them to its website. The manner of use and the registration of the disputed domain name is therefore in bad faith, and the Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

Three elements need to be established by the Complainant under paragraph 4 (a) of the Policy to obtain transfer of the disputed domain name, these are:

- (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 lacks rights or legitimate interests in the disputed domain name; and
- (iii) The disputed domain name was registered and is being used in bad faith by the Respondent.

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 provided evidence of its registered trademarks for the VUSE and VUSE GO marks which satisfies the requirement of having rights in the mark. [WIPO Overview 3.0](#) section 1.1. Accordingly, the Complainant has established its rights in the trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#) section 1.2.1.

The disputed domain name contains the Complainant's VUSE and VUSE GO marks and the numeral "700". The Complainant has submitted that disputed domain name which contains its mark along with the numeral 700 references its VUSE GO 700 products.

The Panel finds the VUSE GO mark is recognizable 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 addition of the numeral "700" does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. Additional terms word or numerals do not prevent a finding of confusing similarity. [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.

The Complainant has stated that the Respondent has no connection or affiliation with the Complainant.

The Complainant has argued that the disputed domain name is being used to redirect users to another website selling competing products, which poses a risk to its business and to Internet users visiting the disputed domain name. The Complainant has argued that such activity has been recognized as illegal activity under the Policy and does not confer any rights or legitimate interests on the Respondent.

The Panel agrees that this view is consistent with previous panel views and concurs that use of a confusingly similar domain name to redirect users to promote and sell competing products, essentially is “bait and switch” activity, which cannot give rise to rights or legitimate interests, [WIPO Overview 3.0](#), section 2.5.3.

Having reviewed the available record, material and the circumstances of the present case, the Panel finds, for all the reasons discussed, that 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 submissions, arguments or evidence demonstrating any rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

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.

- (i) Circumstances indicate that the respondent has registered or acquired the domain name primarily for purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of respondent’s documented out-of-pocket costs directly related to the domain name; or
- (ii) The respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
- (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) By using the disputed domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to the respondent’s website or other online location, by creating a likelihood

of confusion with the complainant's mark as to the source, sponsorship, affiliation or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

The Panel finds from the material and the evidence on record, that the trademark VUSE GO used in the disputed domain name is known and associated with the disposable vape products of the Complainant.

The evidence on record also shows that the Respondent has used the disputed domain name to redirect users to a website selling competing vape products, which indicates that the Respondent has knowledge of the Complainant's mark and knowledge of the connection between the mark and Complainant's products. The Respondent has therefore intentionally registered the disputed domain name to target users looking for the Complainant's products and to benefit from the reputation associated with the Complainant's trademark.

The Respondent, as discussed in the previous section, has not established any rights or legitimate interests in the disputed domain name. Panels have widely accepted the proposition that the absence of rights or legitimate interest in the disputed domain name impacts the finding of bad faith registration and use.

The Respondent has failed to respond or provide any credible reasons for the choice of the disputed domain name. Further, the evidence on record does not suggest that the disputed domain name has been put to any good faith use, on the contrary, evidence on record shows the disputed domain name is being used for redirecting users to a site selling competing products.

The Panel finds that the manner of use of the disputed domain name by the Respondent is likely to disrupt the Complainant's business.

The Panel finds, in the light of all that has been discussed, that the Respondent's intent in registration and use of the disputed domain name is to trade on the reputation associated with the Complainant's mark and to attract Internet users who are looking for the Complainant's products and then redirect them to the Respondent's website, which is considered bad faith under paragraph 4(b)(iv) of the Policy. Furthermore, the use of privacy services to redact the identity of the Respondent under the discussed circumstances, and the lack of response, are additional factors to find bad faith registration and use of the disputed domain name.

Having reviewed the record, the Panel finds that the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds for all the reasons discussed that the disputed domain name was registered in bad faith and is being used in bad faith by the Respondent. 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 <vusego700.com> be transferred to the Complainant.

/Harini Narayanswamy/

Harini Narayanswamy

Sole Panelist

Date: September 2, 2025