

## **ADMINISTRATIVE PANEL DECISION**

Lucozade Ribena Suntory Limited v. BergeronRichard  
Case No. D2025-2732

### **1. The Parties**

The Complainant is Lucozade Ribena Suntory Limited, United Kingdom, represented by Hogan Lovells (Paris) LLP, France.

The Respondent is BergeronRichard, United States of America ("United States").

### **2. The Domain Names and Registrar**

The disputed domain names <lucozadeonlinemegastore.shop>, and <ribenadelights.shop> are registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 10, 2025. On July 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On July 11, 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 ("Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)") and contact information in the Complaint. The Center sent an email communication to the Complainant on July 11, 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 15, 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 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 6, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 7, 2025.

The Center appointed Alvaro Loureiro Oliveira as the sole panelist in this matter on August 12, 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 headquartered in the United Kingdom and produces soft drinks, including the soft drink LUCOZADE, which was developed in 1927 by a pharmacist and originally named Glucozade before being renamed Lucozade in the 1930s. The present Lucozade's product range includes LUCOZADE ENERGY, LUCOZADE SPORT, and LUCOZADE ZERO.

The Complainant is a part of the Suntory Group, which was founded as a family-owned business in 1899 in Osaka, Japan and is a global industry leader with a diverse portfolio of soft drinks, spirits, beer, and wine.

The Complainant is the owner of trademark registrations for LUCOZADE and RIBENA in multiple jurisdictions throughout the world, including:

- United States Registration No. 1550449, LUCOZADE, registered on August 1, 1989;
- United Kingdom Trademark No. UK00000516294, LUCOZADE, registered on September 23, 1930;
- European Union Trade Mark No. 003765393, LUCOZADE (word), registered on September 19, 2005;
- United Kingdom Trademark No. UK00000606954, RIBENA, registered on May 24, 1939;
- United States Registration No. 416684, RIBENA, registered on September 25, 1945; and
- European Union Trade Mark No. 003765419, RIBENA, registered on July 28, 2005.

The Complainant's main website is published under the domain name <lucozade.com>. Furthermore, the record shows that Superbrands considers LUCOZADE as one of the United Kingdom's strongest consumer brands and the market leader in the energy drink category.

The disputed domain name <lucozadeonlinemegastore.shop> was registered on August 7, 2024 and resolves to a website titled "LUCOZADE" that purports to offer for sale products bearing the Complainant's LUCOZADE trademark alongside a range of third-party products; the disputed domain name <ribenadelights.shop> was registered on the following day, August 8, 2024, and resolves to a website titled "RIBENA" that purports to offer for sale products bearing the Complainant's RIBENA trademark alongside third-party products.

#### **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 names.

Notably, the Complainant states that the disputed domain names are confusingly similar to the trademarks LUCOZADE and RIBENA – in fact, each of the disputed domain name includes the trademarks in their entirety.

The Respondent has no rights nor legitimate interests in the disputed domain names, whereas the Respondent has not acquired any trademark rights with respect to the disputed domain names. As stated by the documents presented, the registrations and use of the trademarks LUCOZADE and RIBENA predate the registration of the disputed domain names.

Moreover, the Respondent is not commonly known by the disputed domain names. The Respondent has also not secured a license nor any other authorization from the Complainant to use the trademarks. Lastly, the disputed domain names resolve to pages that use the Complainant's LUCOZADE and RIBENA trademarks, respectively, each of the pages showing products from the Complainant's, as well as of direct competitors. The pages for which the disputed domain names resolve create a likelihood of confusion with the Complainant's marks as to the source, sponsorship, affiliation or endorsement.

Before submitting the Complaint, the Complainant addressed a cease-and-desist letter to the Respondent, asking for the transfer of both disputed domain names. A response from the Respondent was never received.

In sum, the Complainant alleges that it is clear that the Respondent has no rights or legitimate interests in the disputed domain names, and that the disputed domain names were registered and are being used in bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

The Policy, in its paragraph 4(a), determines that three elements must be present and duly proven by a complainant to obtain relief. These elements 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 has no rights or legitimate interests in respect to the disputed domain name; and
- iii. the disputed domain name has been registered and is being used in bad faith.

### **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 disputed domain name <lucozadeonlinemegastore.shop> is confusingly similar to the LUCOZADE trademark, as the latter is entirely incorporated in the disputed domain name, with the mere addition of the expression "onlinemegastore". As for the disputed domain name <ribenadelights.shop>, it is on its turn confusingly similar to the RIBENA trademark, as it is reproduced entirely in it, with the addition of the common expression "delights".

The Complainant has presented consistent evidence of ownership of the trademarks LUCOZADE and RIBENA in jurisdictions throughout the world, by presenting trademark certificates for it, as well as comprehensive evidence of trademark recognition.

The use of the trademarks with the added terms in each of the disputed domain names does not prevent a finding of confusing similarity with the trademarks.

The trademarks are clearly recognizable in the disputed domain names and as set out in the [WIPO Overview 3.0](#), section 1.8, the addition of other terms would not prevent a finding that the disputed domain names are confusingly similar to the relevant mark for purposes of the first element.

Lastly, the Panel notes that, in accordance with section 1.11.1 of the [WIPO Overview 3.0](#), the generic Top-Level Domain (“gTLD”), in this case “.shop” may be disregarded under the first element.

Given the above, the Panel concludes that the disputed domain names are confusingly similar to the registered trademarks of the Complainant.

## **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.

Given the clear evidence that trademarks LUCOZADE and RIBENA are registered in the name of the Complainant and are widely known as identifying the Complainant’s products, that the Complainant has not licensed its trademarks to the Respondent, and evidence that the Respondent is using the disputed domain names in connection with web pages that reproduce the trademarks and purportedly offer for sale products bearing these marks, as well as products from direct competitors for the Complainant, the Panel finds that the Complainant has established prima facie case that the Respondent has no rights or legitimate interests in the disputed domain names.

In the absence of a Response, the Respondent has not rebutted such prima facie case.

The Panel, thus, finds for the Complainant under the second element of the Policy.

## **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 finds that the Respondent has registered the disputed domain names with the purpose of taking unfair advantage of the Complainant’s marks.

The addition of generic terms to both disputed domain names points towards the Respondent’s likely intent to give the impression that the disputed domain names are associated with the Complainant. In the absence of any reasonable explanation for the selection of the disputed domain names by the Respondent, and in the circumstances of this case, the Panel finds it is more likely than not that the disputed domain names have been registered to take unfair advantage of the Complainant’s marks.

The fact that the disputed domain names resolve to websites purportedly offering for sale the goods under the respective marks from the Complainant’s together with similar goods from the Complainant’s competitors suggests that the Respondent’s main goal was to profit from the confusion created with Internet users.

Hence, the Panel finds that the Respondent registered and used the disputed domain names deliberately to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's marks.

In the totality of the circumstances, the Panel finds the Respondent has registered and is using the disputed domain names in bad faith.

## **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 <lucozadeonlinemegastore.shop> and <ribenadelights.shop> be transferred to the Complainant.

*/Alvaro Loureiro Oliveira/*

**Alvaro Loureiro Oliveira**

Sole Panelist

Date: August 25, 2025