

ADMINISTRATIVE PANEL DECISION

Nicoventures Holdings Limited v. yang yang
Case No. D2025-2878

1. The Parties

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

The Respondent is yang yang, China.

2. The Domain Name and Registrar

The disputed domain name <vusevaping.com> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 21, 2025. On July 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 21, 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 (Domain Administrator, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 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 July 28, 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 31, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 20, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 25, 2025.

The Center appointed Dilek Zeybel as the sole panelist in this matter on August 28, 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 Nicoventures Holdings Limited, part of the British American Tobacco (“BAT”) group. BAT is a global consumer goods company headquartered in London, United Kingdom. It operates in the fields of vapour products, heated tobacco, modern oral, traditional oral, and combustible cigarettes.

The Complainant’s product portfolio also includes non-combustible vaping products sold under the trademark VUSE, which is protected by trademark registrations worldwide, including but not limited to the following:

- United Kingdom trademark, VUSE, no. UK00910885994 registered on November 27, 2012, in classes 9 and 34.
- European Union trademark, VUSE, no. 010885994 registered on November 27, 2012, in classes 9 and 34.

The Complainant also owns a portfolio of domain names incorporating its VUSE trademark, including <vuse.com>, which serves as its official global website.

The Respondent registered the disputed domain name on February 14, 2025.

As of the date of this Decision, the disputed domain name resolves to a website in English offering third-party products related to vaping goods. The website features the Complainant’s VUSE trademark in combination with the designation ‘VUSE VAPING’.

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 confusingly similar to its earlier registered trademark VUSE, being used to suggest an affiliation with the Complainant, misleadingly and to take unfair advantage of the reputation of its marks.

Further, the Complainant submits that the addition of the term “vaping” is not sufficient to avoid a finding of confusing similarity with the VUSE trademark.

The Complainant also states that the Respondent is not authorized to use the Complainant’s mark, has no rights or legitimate interests in the disputed domain name, and is not related in any way to the Complainant.

Additionally, the Complainant argues that third-party products are sold, which are mainly vaping products that compete with the Complainant’s products.

The Complainant argues that such a use of the disputed domain name is to the detriment of the Complainant and its VUSE marks.

Further, the Complainant asserts that it has no business relationship with the Respondent. The Respondent is neither an authorized distributor nor a licensee of the Complainant and has not been otherwise permitted to use its trademark and the Complainant also argues that the website does not feature any disclaimer clarifying the absence of a relationship between the parties.

The Complainant further notes that the disputed domain name has been configured with active MX and Sender Policy Framework (SPF) records, suggesting a potential for sending email communications and thereby potentially misleading users.

Finally, the Complainant informs that a letter was sent to the Respondent on May 9, 2025, in an attempt to resolve this issue amicably, but no response was received.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules directs the Panel as to the principles to be applied in determining the dispute: "A Panel shall decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

The Policy provides, at paragraph 4(a), that each of the three elements must be made for a complaint to prevail:

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

Pursuant to paragraph 14(b) of the Rules, where a party does not comply with any provision of the Rules, the Panel may draw such inferences as it considers appropriate.

Considering the Parties' submissions, the Policy, the Rules, the Supplemental Rules, and applicable law, the Panel's findings with respect to each of the above elements are set out below.

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 Panel finds the 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.

Although the addition of the descriptive term, here ‘vaping’, which refers to e-cigarettes and related products, may bear on the assessment of the second and third elements, the Panel finds that such addition does not prevent a finding of confusing similarity between the disputed domain name and the Complainant’s 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.

Furthermore, the Respondent registered the disputed domain name without the Complainant’s authorization and is neither a distributor, partner, nor a licensee of the Complainant.

The disputed domain name is used for offering third-party products under the designation “VUSE VAPING”, reflecting the Complainant’s trademark. Such use does not constitute a bona fide offering of goods or services, nor a legitimate noncommercial or fair use, and therefore supports the Panel’s view that the Respondent lacks rights or legitimate interests in the disputed domain name.

A further indication of the Respondent’s lack of rights or legitimate interests is its failure to respond to the Complainant’s letter seeking to resolve the matter amicably.

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 disputed domain name almost entirely reproduces the Complainant’s trademark VUSE, with the additional term “vaping” not being material. This term directly relates to the Complainant’s field of business, and the Panel finds it implausible that the Respondent chose the disputed domain name by mere coincidence. This indicates that the Respondent either knew or should have known the Complainant’s trademark and deliberately targeted it.

By using the disputed domain name to resolve to a website offering third-party vaping products competing with the Complainant's products, the Respondent appears to be seeking to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's mark.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Panel finds that paragraph 4(b)(iv) applies. By using the disputed domain name to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's mark, the Respondent has registered and used the domain name in bad faith. [WIPO Overview 3.0](#), section 3.1.4.

In addition, the Panel notes that the disputed domain name has been configured with active MX and Sender Policy Framework (SPF) records. While the disputed domain name already resolves to a website offering competing products, the configuration of these technical elements further suggests that the disputed domain name may be used for email-related purposes, which could potentially cause confusion among users and reinforces the Panel's view that the Respondent registered and is using the disputed domain name in bad faith.

The Respondent's failure to respond to the Complainant's letter seeking to resolve the matter amicably supports the Panel's finding of bad faith and also reinforces the inference that the Respondent lacks any legitimate interest in the disputed domain name.

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 <vusevaping.com> be transferred to the Complainant.

/Dilek Zeybel/

Dilek Zeybel

Sole Panelist

Date: September 11, 2025