

ADMINISTRATIVE PANEL DECISION

Anheuser-Busch InBev S.A. v. Domain Privacy, Domain Name Privacy Inc.
Case No. D2025-3277

1. The Parties

The Complainant is Anheuser-Busch InBev S.A., Belgium, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Domain Privacy, Domain Name Privacy Inc., Cyprus.

2. The Domain Name and Registrar

The disputed domain name <labattops.net> is registered with Tucows Domains Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 15, 2025. On August 15, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 (Contact Privacy Inc. Customer 0174741771) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 15, 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 August 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 August 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 9, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 14, 2025.

The Center appointed Kateryna Oliynyk as the sole panelist in this matter on September 17, 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 an American-Belgian multinational beverage and brewing company headquartered in Leuven, Belgium. It is recognized as the one of the largest brewers in the world. The Complainant was established in 2008 following the acquisition of the American brewing company Anheuser-Busch by the Belgian company InBev.

The Complainant is publicly listed, with its primary listing on Euronext Brussels and secondary listings on the Mexico City Stock Exchange, Johannesburg Stock Exchange, and New York Stock Exchange. It operates over 200 breweries across approximately 50 countries, serving more than 2 billion consumers globally. The company employs around 167,000 individuals worldwide.

In the second quarter of 2025, the Complainant reported revenue exceeding USD 15 million. Its financial strength is further demonstrated by its consistent presence in the Fortune rankings, including a position of No. 232 in the Fortune Global 500 for 2025 and No. 54 in the Fortune 500 Europe for 2024.

The Complainant and its group of companies are the owners of trademark registrations for the LABATT trademark across various jurisdictions. More specifically, the Complainant is the registered owner of the following trademark registrations:

- European Union Trade Mark No. 003396091 for LABATT, registered on March 21, 2005, for goods in International Class 32; and
- Australian Trade Mark No. 527000 for LABATT, registered on February 17, 1993, for goods in International Class 32.

Labatt Breweries was founded in 1847 by John Kinder Labatt in London, Canada West (now Ontario). In 1995, it was acquired by Belgian brewer Interbrew, which later merged with Brazilian brewer AmBev in 2004 to form InBev. Following the 2008 merger, Labatt became part of the Complainant.

Labatt is currently the largest brewer in Canada and maintains a leading portfolio of beer brands, including the best-selling Labatt Blue, as well as Labatt 50, Kokanee, and Keith's IPA.

The Complainant or its related entities have registered and actively managed the domain name <labatt.com> since March 4, 1994, and <ab-inbev.com> since July 13, 2008, both of which host operational websites accessible to consumers.

The disputed domain name was created on April 24, 2025, and resolves to a "pay-per-click" ("PPC") website and is advertised as being for sale on the GoDaddy platform.

Prior to filing the Complaint, the Complainant sent several cease-and-desist letters, which remained unanswered.

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.

Identical or Confusingly Similar

The Complainant states that the disputed domain name is confusingly similar to the Complainant's LABATT trademark as the disputed domain name includes the Complainant's LABATT trademark in its entirety. The mere addition of the generic term "ops" to the Complainant's trademark does not negate the confusing similarity between the disputed domain name and the Complainant's LABATT trademark.

Rights or Legitimate Interests

The Complainant contends that the Respondents lack any rights or legitimate interests in the disputed domain name.

According to the Complainant's contentions, the Respondent has not used the disputed domain name in connection with a bona fide offering of goods or services, and has not been authorized, licensed, or otherwise permitted by the Complainant to register the disputed domain name.

Additionally, the Complainant claims that the disputed domain name has been configured with an email-enabling Mail Exchange (MX) record. According to the Complainant's contentions, this setup suggests that the Respondent is likely to use, or intends to use, email addresses associated with the disputed domain name to mislead Internet users into believing they are communicating with the Complainant. The Complainant argues that such use constitutes an attempt to pass off as the Complainant and/or engage in fraudulent activity. It further contends that this behavior does not represent a bona fide offering of goods or services, nor does it qualify as legitimate noncommercial or fair use under the Policy.

The Complainant further contends that the Respondent is using the disputed domain name to redirect Internet users to a website featuring PPC links to third party websites, some of which directly compete with the Complainant's business. This is not a bona fide offering of goods and services.

The Complainant also submits that the disputed domain name is being offered for sale at an undisclosed price, which serves as further evidence of the Respondent's lack of rights and legitimate interests.

Registration and Use in Bad Faith

The Complainant also contends that the Complainant's trademark registrations predate the registration of the disputed domain name. The Respondent knew or should have known about the Complainant's prior rights when registering and using the disputed domain name.

The Complainant contends that the disputed domain name is being used in an attempt to intentionally attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's mark as to source, sponsorship, affiliation, or endorsement.

The Complainant states that the Respondent is currently offering to sell the disputed domain name, which constitutes bad faith under paragraph 4(b)(i) of the Policy because the Respondent has demonstrated an intent to sell, rent, or otherwise transfer the disputed domain name. It is well established that seeking to profit from the sale of a confusingly similar domain name that incorporates a third party's trademark demonstrates bad faith.

The Complainant submits that the existence of active MX records attached to the disputed domain name, permitting the ability for the disputed domain name to be used for email, creates an ongoing implied threat to the Complainant that the disputed domain name may be used for fraudulent activities, which further supports an inference of bad faith.

The Complainant also notes that the Respondent employed a privacy service to conceal its identity and failed to respond to the Complainant's cease-and-desist letters, which may properly be considered a factor in finding bad faith registration and use of a domain name.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute: "[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable." Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following:

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

Considering that the Respondent did not reply to the Complainant's contentions, in order to determine whether the Complainant has met its burden as stated in paragraph 4(a) of the Policy, the Panel bases its decision on the statements and documents submitted in accordance with the Policy and the Rules.

Under paragraph 5(f) and paragraph 14(b) of the Rules, if a respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint, and where a party does not comply with any provision of the Rules, the Panel "shall draw such inferences therefrom as it considers appropriate".

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 other terms, here, "ops", 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.

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.

The Panel considers that the record of this case reflects that:

- before any notice to the Respondent of the dispute, the Respondent did not use, nor has it made 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. See paragraph 4(c)(i) of the Policy, and [WIPO Overview 3.0](#), section 2.2;
- the Respondent (as an individual, business, or other organization) has not been commonly known by the disputed domain name. See paragraph 4(c)(ii) of the Policy, and [WIPO Overview 3.0](#), section 2.3;
- the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. See paragraph 4(c)(iii) of the Policy, and [WIPO Overview 3.0](#), section 2.4; and
- the record contains no other factors demonstrating rights or legitimate interests of the Respondent in the disputed domain name.

The use of the disputed domain name for a parking page with PPC links does not constitute a bona fide offering of goods or services, nor legitimate noncommercial or fair use in the circumstances of this case. As noted in [WIPO Overview 3.0](#), section 2.9, panels have found that parked pages with PPC links are not a bona fide offering when such links compete with or exploit the complainant’s mark or mislead users. However, PPC use may be permissible where the domain name is a genuine dictionary word or phrase, and the links are directly related to that meaning rather than the complainant’s (or its competitors’) trademark.

In this case, the Panel notes that the disputed domain name contains a coined trademark and hence does not solely consist of a dictionary word or phrase, which suggests sponsorship or endorsement by the Complainant, and moreover the PPC links compete with or capitalize on the reputation and goodwill of the Complainant’s trademark.

Further, there is an MX server associated with the disputed domain name, which may indicate an intent to use the disputed domain name to create one or more email addresses. The Panel concludes that the Respondent more likely than not targeted the Complainant's trademark.

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.

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.

The disputed domain name, which wholly incorporates the LABATT trademark, resolves to a page offering PPC links for which the Respondent most likely receives some commercial gain. In these circumstances, where the Respondent has offered no plausible or supported explanation for the registration of the disputed domain name, the Panel finds that the Respondent was most likely aware of the Complainant's trademark at the time of registration and is using the disputed domain name to intentionally attempt to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the LABATT trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website.

As noted above, the Respondent is alleged to have engaged in questionable activities, namely embedding the confusingly similar disputed domain name with MX records. The Respondent has not put forward any credible explanation for the choice of the disputed domain name, and the Panel considers that there is a risk that emails originating from the disputed domain name would be misleading or deceptive, falsely suggesting a connection with the Complainant.

Moreover, in these circumstances, bad faith of the Respondent is also supported here by (i) the lack of reply by the Respondent invoking any rights or legitimate interests; (ii) the Respondent's lack of reply to the cease-and-desist letters sent prior to this proceeding; and (iii) the Respondent's choice to retain a privacy protection service (within a second privacy protection service).

For the reasons above, 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 <labattops.net> be transferred to the Complainant.

/Kateryna Oliinyk/

Kateryna Oliinyk

Sole Panelist

Date: October 6, 2025