

## **ADMINISTRATIVE PANEL DECISION**

Nicoventures Holdings Limited v. mesut erdogan  
Case No. D2025-3754

### **1. The Parties**

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

The Respondent is mesut erdogan, Türkiye.

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

The disputed domain name <foryoubyvuse.com> is registered with Dynadot Inc (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 16, 2025. On September 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 17, 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, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 17, 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 September 18, 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 September 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 9, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 13, 2025.

The Center appointed Edoardo Fano as the sole panelist in this matter on October 16, 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.

The Panel has not received any requests from the Complainant or the Respondent regarding further submissions, waivers or extensions of deadlines, and the Panel has not found it necessary to request any further information from the Parties.

Having reviewed the communication records in the case file provided by the Center, the Panel finds that the Center has discharged its responsibility under the Rules, paragraph 2(a) "to employ reasonably available means calculated to achieve actual notice to [the] Respondent". Therefore, the Panel shall issue its Decision based upon the Complaint, the Policy, the Rules and the Supplemental Rules and without the benefit of a response from the Respondent.

The language of the proceeding is English, being the language of the Registration Agreement, as per paragraph 11(a) of the Rules.

#### **4. Factual Background**

The Complainant is Nicoventures Holdings Limited, a United Kingdom company acting, within the British American Tobacco group of companies ("BAT"), as an investment holding company for BAT in relation to new products. BAT is a leading consumer goods business, selling five main categories of products: Vapour, Heated Tobacco, Modern Oral, Traditional Oral and combustible cigarettes. The Complainant is also the group's holder of intellectual property rights, owning several trademark registrations and applications for FOR YOU BY VUSE, among which the following ones:

- United Kingdom Trademark Registration No. UK00004174884 for FOR YOU BY VUSE, applied for on March 17, 2025 and registered on June 6, 2025;
- European Union Trademark Registration No. 019157817 for FOR YOU BY VUSE, applied for on March 17, 2025 and registered on August 14, 2025; and
- Canadian Trademark Application No. 2386295 for FOR YOU BY VUSE, filed on March 17, 2025.

The Complainant also operates on the Internet, with "www.bat.com" being the official website of BAT.

The Complainant's portfolio of products also includes non-combustible vaping products sold under the brand VUSE, registered as a trademark since 2012 (e.g., European Union Trademark Registration No. 010885994). The Complainant operates several official country-specific VUSE websites to which Internet users are redirected when visiting the Complainant's website "www.vuse.com".

The Complainant has provided evidence in support of the above.

According to the Whois records, the disputed domain name was registered on March 17, 2025, namely on the same day the Complainant applied for the registration of the trademark FOR YOU BY VUSE in several jurisdictions, and it redirects to a webpage listing it for sale with the asking price of USD 2,988.

## **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 states that the disputed domain name is identical to its trademark FOR YOU BY VUSE.

The Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name since it has not been authorized by the Complainant to register the disputed domain name or to use its trademark within the disputed domain name, it is not commonly known by the disputed domain name and it is not making either a bona fide offering of goods or services or a legitimate noncommercial or fair use of the disputed domain name. The disputed domain name resolves to a webpage in which it is listed for sale with the asking price of USD 2,988, which the Complainant considers very likely in excess of any documented out-of-pocket costs directly related to it.

The Complainant submits that the Respondent has registered the disputed domain name in bad faith, since the latter was registered on the same day the Complainant applied for the registration of the trademark FOR YOU BY VUSE in several jurisdictions. Therefore, the Respondent targeted the Complainant's trademark at the time of registration of the disputed domain name and the Complainant contends that, by resolving to a webpage in which it is listed for sale with the asking price of USD 2,988, the Respondent has registered the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name to the Complainant or a competitor of the Complainant, for valuable consideration in excess of the Respondent's documented out-of-pocket costs directly related to the disputed domain name, which qualifies as bad faith registration and use.

Finally, the Complainant asserts that the Respondent is engaged in a pattern of registering other abusive domain name.

### **B. Respondent**

The Respondent has made no reply to the Complainant's contentions and is in default. In reference to paragraphs 5(f) and 14 of the Rules, no exceptional circumstances explaining the default have been put forward or are apparent from the record.

A respondent is not obliged to participate in a proceeding under the Policy, but if it fails to do so, reasonable facts asserted by a complainant may be taken as true, and appropriate inferences, in accordance with paragraph 14(b) of the Rules, may be drawn. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") section 4.3.

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy lists three elements, which the Complainant must satisfy in order to succeed:

- (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.

## **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.

Based on the available record, the Panel finds 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 entirety of the Complainant's mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark FOR YOU BY VUSE for the purposes of the Policy. It is also confusingly similar to the Complainant's VUSE mark. [WIPO Overview 3.0](#), section 1.7.

It is also well accepted that a generic Top-Level Domain ("gTLD"), in this case ".com", is typically ignored when assessing the confusing similarity between a trademark and a domain name. [WIPO Overview 3.0](#), section 1.11.1.

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.

While the overall burden of proof in UDRP proceedings is on the complainant, UDRP panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible 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. 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 present 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 disputed domain name redirects to a webpage in which it is listed for sale with the asking price of USD 2,988, which is a price likely in excess of any documented out-of-pocket costs directly related to it.

The Panel therefore concludes, noting the composition of the disputed domain name and its below findings on the timing of its registration, that the disputed domain name is not being used in connection with a bona fide offering of goods or services.

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.

In the present case, regarding the registration in bad faith of the disputed domain name, the Panel notes that the latter was registered on the same day the Complainant applied for registration of the trademark FOR YOU BY VUSE, and the Panel therefore finds that the Respondent registered the disputed domain name following the Complainant's filings of trademark applications for FOR YOU BY VUSE in different jurisdictions. [WIPO Overview 3.0](#), section 3.8.2.

As regards the use in bad faith of the disputed domain name, the Panel notes that the latter redirects to a webpage listing it for sale with the asking price of USD 2,988, which is a price likely in excess of any documented out-of-pocket costs directly related to it (absent any evidence from the Respondent to the contrary), preventing the Complainant from reflecting its trademark in a corresponding domain name. The Panel therefore concludes that the Respondent has registered the disputed domain name in bad faith and by offering it for sale intended to capitalize on the Complainant's nascent trademark rights, primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name to the Complainant or a competitor of the Complainant, for valuable consideration in excess of the Respondent's documented out-of-pocket costs directly related to the disputed domain name, also considering the pattern of conduct of the Respondent in other cases of abusive domain name registrations against third parties (see e.g., *Outfront Media LLC v. mesut erdogan*, WIPO Case No. [D2025-2711](#)).

Furthermore, the Panel considers that the nature of the disputed domain name, which is identical to the Complainant's FOR YOU BY VUSE trademark and confusingly similar to its VUSE trademark, further supports a finding of bad faith. [WIPO Overview 3.0](#), section 3.2.1.

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

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, <foryoubyvuse.com>, be transferred to the Complainant.

*/Edoardo Fano/*

**Edoardo Fano**

Sole Panelist

Date: October 22, 2025