

ADMINISTRATIVE PANEL DECISION

Nicoventures Holdings Limited v. Kellan Rhodes
Case No. D2025-3954

1. The Parties

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

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

2. The Domain Names and Registrar

The disputed domain names <vusevape.shop> and vypeandco.shop> are registered with Alibaba.com Singapore E-Commerce Private Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 9, 2025. On October 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On October 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 (Redacted) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 13, 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 October 17, 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 proceeding commenced on October 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 11, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 14, 2025.

The Center appointed Sebastian M.W. Hughes as the sole panelist in this matter on November 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

A. Complainant

The Complainant is an entity within the British American Tobacco group of companies ("BAT"). BAT is a business founded in 1902 and headquartered in London, United Kingdom, selling various nicotine-related products around the world.

The Complainant acts as an investment holding company for BAT in relation to new products and started selling products under the VYPE brand in the United Kingdom in 2013. The Complainant owns a number of trade mark registrations related to the VYPE brand, including United Kingdom trade mark No. 3259414 for the trade mark VYPE & CO, with a registration date of December 29, 2017 (the "VYPE Mark").

The Complainant also started selling products under the VUSE brand in the United States in 2013. The Complainant owns a number of trade mark registrations related to the VUSE brand, including United Kingdom trade mark No. 3437882 for the trade mark VUSE VAPE, with a registration date of January 17, 2020 (the "VUSE Mark").

In 2021, the Complainant merged the VYPE brand with the VUSE brand and now operates several official country-specific VUSE websites to which Internet users are redirected when visiting the Complainant's <vuse.com> domain name.

B. Respondent

The Respondent is an individual located in the United States.

C. The Disputed Domain Names

The disputed domain name <vusevape.shop> was registered on March 28, 2025. The disputed domain name <vypeandco.shop> was registered on March 27, 2025.

D. Use of the Disputed Domain Names

Both of the disputed domain names resolve to a website hosted by GoDaddy which offers each of the disputed domain names for sale at the price of USD 1,450.

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 contends that, given the high risk of implied affiliation and the listing of the disputed domain names for sale, the Respondent has targeted the Complainant and its VYPE Mark and VUSE Mark (collectively the "Trade Marks") in registering and using the disputed domain names.

B. Respondent

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

6. Discussion and Findings

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 Trademarks and the disputed domain names. 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 the Trade Marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the VUSE Mark is reproduced within the first disputed domain name. Accordingly, the first disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The VYPE Mark is recognizable within the second disputed domain name. Accordingly, the second disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the ampersand symbol in the VYPE Mark is replaced by the word "and" in the second disputed domain name, it remains confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.9.

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 names. 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 names 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.

In the present case, the Panel notes that the disputed domain names both resolve to a website hosted by GoDaddy offering the disputed domain names for sale at a price of USD 1,450. This falls squarely within paragraph 4(b)(i) of the Policy and thus amounts to evidence of registration and use of the disputed domain names in bad faith.

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 names <vusevape.shop> and vypeandco.shop> be transferred to the Complainant.

/Sebastian M.W. Hughes/

Sebastian M.W. Hughes

Sole Panelist

Date: December 3, 2025