

## **ADMINISTRATIVE PANEL DECISION**

Société Anonyme des Eaux Minérales d'Evian v. Carolina Rodrigues,  
Fundacion Comercio Electronico, junya nakamura, junya nakamura,  
nakamura, july sh, redtong  
Case No. D2025-4157

### **1. The Parties**

The Complainant is Société Anonyme des Eaux Minérales d'Evian, France, represented by Herbert Smith Freehills Kramer Paris LLP, France.

The Respondents are Carolina Rodrigues, Fundacion Comercio Electronico, Panama, junya nakamura, Japan, junya nakamura, nakamura, Japan, and july sh, redtong, Philippines.

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

The disputed domain names <evian19.com>, <evian20.com>, <evian22.com>, <evian23.com>, <evian24.com>, <evian26.com>, <evian28.com>, and <evian29.com> are registered with Name.com, Inc.

The disputed domain names <evian25.com>, <evian27.com>, <evian30.com>, <evian31.com>, <evian32.com>, and <evian33.com> are registered with NameCheap, Inc. (collectively the "Registrars").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 10, 2025. On October 10, 2025, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On October 11, 2025 and October 13, 2025, the Registrars 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 For Privacy) and contact information in the Complaint.

The Center sent an email communication to the Complainant on October 16, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on October 22, 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 October 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 19, 2025.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on November 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 to ensure compliance with the Rules, paragraph 7.

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

The Complainant is a subsidiary of Danone S.A., a global food and beverage group. The Complainant distributes water from the source of Evian. The Evian water history began in 1789 from Evian-les-Bains in France. Evian water is today marketed in more than 140 countries across the world. Over 1.5 billion bottles of Evian water are sold each year. The Complainant invests substantial resources in the advertising and promotion of its EVIAN trademark and products.

The Complainant has registered numerous trademarks for EVIAN, for example International word trademark EVIAN No. 235956 (registered on September 24, 1960). The fame of the EVIAN trademark is also evidenced by a number of UDRP cases related to the EVIAN trademark.

The Complainant owns numerous domain names consisting of its EVIAN trademark, for example <evian.jp> and <evian.co.uk>. The Complainant also has a strong social media presence.

The Respondents registered the disputed domain names between August 22, 2024, and July 6, 2025. The Complainant documents that most of the disputed domain names are or were used to redirect Internet users to websites that display pornographic content and betting games or websites containing collections of links, or dynamic redirections to websites with pay-per-click (“PPC”) links or pornographic websites. Some of the websites include a logo similar to that of the Complainant.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant argues that the disputed domain names are under common control as they all reproduce the EVIAN trademark in its entirety, adding different numbers (in ascending numerical order). It shows a coordinating naming pattern. The disputed domain names have been registered at regular intervals (each new domain name has been registered within a few weeks or months from the previous one). All the disputed domain names were registered through only two privacy protection services and two different registrars. The timing, naming conventions, and associated use of the disputed domain names indicate a single source of control despite the use of different identities. Furthermore, the disputed domain names either contain or has redirected to unlawful content. The patterns of moving the content to new websites and creating redirections suggest that the Respondents are affiliated and able to control the disputed domain names.

The Complainant provides evidence of trademark registration and argues that its trademark is well known. The disputed domain names wholly incorporate the Complainant’s trademark, with the mere addition of numbers. The additions do not negate the confusing similarity between the disputed domain names and the Complainant’s trademark.

The Complainant argues that the Respondents have no rights or legitimate interests in respect of the disputed domain names. The Respondents have not been commonly known by the disputed domain names. The Complainant has not authorized the Respondents to register domain names incorporating the Complainant's trademark. At the time of the Complaint, some of the disputed domain names do not resolve to content. However, most of them are or have been used to redirect Internet users to websites with pornographic content and betting games or links to same. The Complainant therefore finds it clear that the disputed domain names were registered without legitimate interest to seek undue commercial gain from the EVIAN trademark.

The Complainant argues that the Respondents deliberately chose to successively register fourteen domain names confusingly similar to a distinctive and globally well-known trademark. It is clear evidence of bad faith registration. The disputed domain names could not have been chosen for any reason other than to profit from the goodwill in the Complainant's trademark. The redirection to pornographic websites or links with such material constitutes a strong indication of bad faith registration and use. The redirection cannot have been done for other purposes than commercial gains or other illegitimate benefits. The Complainant submits that the Respondents receive PPC revenue from the redirection. The fact that some of the disputed domain names currently are not used does not prevent a finding of bad faith under the doctrine of "passive holding". Finally, the fact that the Respondents chose to conceal their identity by means of privacy protection services is an additional indication of bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1. Procedural Matter - Consolidation**

The Complaint was filed in relation to nominally different domain name registrants. The Complainant argues that the domain name registrants are the same entity or under common control. The Complainant requests consolidation of the disputes against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules. Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder. In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

As to the common control, the Panel notes that all the disputed domain names reproduce the EVIAN trademark, each adding a number in ascending numerical order and registered in chronological order. This alone suggests a coordinating naming pattern. The disputed domain names were registered through only two privacy protection services and two different registrars. Eleven of the fourteen disputed domain names were registered by registrants with the same name and postal address. Moreover, the similar uses of the disputed domain names indicate common control of the disputed domain names.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party. The registrants have been granted the right to comment but opted not to.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different domain name registrants (referred to as "the Respondent") in a single proceeding.

## **6.2. Substantive Issues**

### **A. Identical or Confusingly Similar**

The test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain names. See [WIPO Overview 3.0](#), section 1.7.

The Complainant has established that it has rights in the trademark EVIAN. The disputed domain names incorporate the Complainant's trademark with the addition of a number from "19" to "33". The addition of a number does not prevent a finding of confusing similarity. See [WIPO Overview 3.0](#), sections 1.7. and 1.8.

For the purpose of assessing the confusing similarity under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain ("gTLD"). See [WIPO Overview 3.0](#), section 1.11.

Based on the available record, 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, 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.

See [WIPO Overview 3.0](#), section 2.1.

Having reviewed the 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 showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names. The Respondent is not affiliated or related to the Complainant. There is no evidence that the Respondent has registered the disputed domain names as a trademark or acquired trademark rights. There is no evidence of the Respondent's use of, or demonstrable preparations to use, the disputed domain names or names corresponding to the disputed domain names in connection with a bona fide offering of goods or services. On the contrary, most of the disputed domain names have redirected to websites with pornographic content or and betting games or websites containing collections of links, or dynamic redirections to websites with PPC links or pornographic websites. Some of the websites included in their header a logo imitating the Complainant's well known EVIAN logo.

Based on the available record, 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.

The fame of the Complainant's trademark, coupled with the composition of the disputed domain names and the Respondent's use of a logo similar to the Complainant's logo, proves that the Respondent was aware of the Complainant and its prior rights when the Respondent registered the disputed domain names. Under the circumstances, the redirection to pornographic and gambling websites constitutes clear evidence of bad faith registration and use. The Respondent has intentionally attempted to attract, for commercial gain, Internet users to its websites by creating a likelihood of confusion with the Complainant's trademark. Noting the distinctiveness and reputation of the Complainant's trademark and the composition of the disputed domain names, any current non-use of a few of the disputed domain names does not prevent a finding of bad faith under the doctrine of passive holding. See [WIPO Overview 3.0](#), section 3.3.

For the reasons set out above, the Panel concludes that the Domain Names were registered and are being used in bad faith, within the meaning of paragraph 4(a)(iii) of the Policy. The third element of the Policy has been established.

## **7. Decision**

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders the disputed domain names <evian19.com>, <evian20.com>, <evian22.com>, <evian23.com>, <evian24.com>, <evian25.com>, <evian26.com>, <evian27.com>, <evian28.com>, <evian29.com>, <evian30.com>, <evian31.com>, <evian32.com>, and <evian33.com> transferred to the Complainant.

*/Mathias Lilleengen/*

**Mathias Lilleengen**

Sole Panelist

Date: December 5, 2025