

ADMINISTRATIVE PANEL DECISION

Nestflow B.V. v. Gor Ghazaryan

Case No. D2025-4744

1. The Parties

The Complainant is Nestflow B.V., Netherlands (Kingdom of the), represented internally.

The Respondent is Gor Ghazaryan, United States of America (“United States” or “U.S.” or “USA”).

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 16, 2025. On November 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 19, 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 amendment to the Complaint on November 19, 2025.

The Center verified that the Complaint together with the amendment to the 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 November 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 10, 2025. The Response was filed with the Center on November 20, 2025.

The Center appointed Marina Perraki as the sole panelist in this matter on December 5, 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.

On January 6, 2026, the Panel issued an Administrative Panel Procedural Order No. 1 ("Panel Order"), in which the Panel invited Respondent to explain by January 11, 2026 the reasons of choosing to register the disputed domain name and clarify whether it had any prior knowledge of the Complainant when registering the disputed domain name. On January 9, 2026, Respondent submitted his reply to the Panel Order and on January 15, 2026 Complainant submitted a reply to Respondent's reply to the Panel Order.

4. Procedural Issue: Supplemental Filings

The Complainant filed on November 20, 2025, a Supplemental Filing, in reply to the Respondent's email to the Center of the same date.

Neither the Rules nor the Supplemental Rules make provision for supplemental filings, except at the request of the UDRP panel (see Rules, paragraph 12). Paragraph 10 of the Rules enjoins the UDRP panel to conduct the proceeding "with due expedition". Therefore, UDRP panels are typically reluctant to countenance delay through additional rounds of pleading and normally accept supplemental filings only to consider material new evidence or provide a fair opportunity to respond to arguments that could not reasonably have been anticipated. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.6.

The Panel notes that the Complainant's Supplemental filing replies to the Respondent's email to the Center and to facts and claims mentioned therein. In this case, after consideration of the Complainant's supplemental submission the Panel has decided to accept it for the sake of completeness, in particular noting that it does not address topics that the Complainant could have addressed in its Complaint given that such facts and claims were made by Respondent in reply to the Complaint (*Delikomat Betriebsverpflegung Gesellschaft m.b.H. v. Alexander Lehner*, WIPO Case No. [D2001-1447](#); *AutoNation Holding Corp. v. Rabea Alawneh*, WIPO Case No. [D2002-0058](#); and *Avaya Inc. v. Ali Parsa / Ali Parsa, AVAYeRASA / Ali Parsa Koosha*, WIPO Case No. [D2018-1472](#)).

Furthermore, Complainant filed on January 15, 2026, an Additional Supplemental Filing, in reply to the Respondent's reply to the Panel Order. The Panel notes that the Complainant's Additional Supplemental filing replies to the Respondent's reply to the Panel Order and to facts and claims mentioned therein. In this case, after consideration of the Complainant's additional supplemental submission the Panel has decided to also accept it for the sake of completeness, in particular noting that it does not address topics that the Complainant could have addressed in its Complaint given that such facts and claims were made by Respondent in reply to the Panel Order.

5. Factual Background

The Complainant is active in the financial-technology and real-estate related services sector. It owns the European Union Trademark Registration No. 019079388, NESTFLOW (figurative), filed on September 13, 2024 and registered on August 9, 2025, for goods and services in international classes 9 and 36. The Complainant maintains its main website at "www.nestflow.com". The Complainant began commercial use of NESTFLOW in October 2024, following a rebrand which it announced publicly via its LinkedIn rebrand post, on or about October 15, 2024, per the Complaint, and has used the mark continuously since then. The Complainant is also the owner of the domain name registration <nestflow.com> since March 4, 2023.

The disputed domain name was registered on May 22, 2025, and leads to a website prominently displaying the word “Nestflow” and promoting the “official Nestflow app”, inviting users to “Open in App” which is “available on the App Store October 23” (the Website). The Website states that it is owned by a company under the name “Nestflow Corp”.

6. 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.

In its November 20, 2025 Supplemental filing, Complainant stated a) that Respondent does not own a United States of America trademark but a trademark application, b) that even though the Respondent claims to have started the use since “early 2025”, Respondent’s trademark application filed on June 17, 2025 stated “Currently Use: No.” and c) that the Complaint was not filed after receiving a response from Respondent in an Apple App Store matter, as alleged by Respondent, but that both the Complaint and the Complainant’s App Store complaint were filed on similar dates.

In its Additional Supplemental filing of January 15, 2026 Complainant stated that as follows from the Respondent’s reply to the Panel Order Respondent had knowledge of the Complainant’s senior rights, that Respondent recognized the value of the disputed domain name as he attempted to acquire it, per the Respondent’s reply to the Panel Order and that Respondent’s allegations that he is operating in a non-competing field are contradicted by Respondent’s actual field of business, namely Respondent’s App, which covers also real estate.

B. Respondent

On November 20, 2025, the Respondent submitted his Response to the Center where he stated that he acknowledges the trademark rights of the Complainant but asserts that the Complainant owns a figurative mark, composed of the word NESTFLOW and other words, and not the standalone word NESTFLOW and also that the Complainant’s rights are in Europe whereas the Respondent is a U.S. corporation and it is lawfully operating under the name “Nestflow Corp.”. The Respondent claimed that he is operating a legitimate multi-category marketplace under the brand “Nestflow” in the U.S. and provides non-financial real-estate listings, service provider listings, travel properties, event venues, and general community and marketplace categories and does not provide any of the services that the Complainant provides. Per the Respondent, the Complainant is active in home equity cash access, as follows from the limitation in Complainant’s trademark stating “None of the above goods/services are related to financial, monetary, banking, insurance and leasing services, except for financial services related to real estate”. The Respondent states that it has its own United States trademark for NESTFLOW. The Respondent asserts that he has therefore legitimate interests in the disputed domain name and denies attempting to impersonate or compete with the Complainant. Furthermore, the Respondent claims that the Complainant previously submitted a nearly identical claim to Apple (for its App Store app) and Respondent provided clarifications stating its U.S. trademark rights, non-financial services, and the limited nature of the Complainant’s EU figurative mark. Per the Respondent, it was only after the Complainant received this clarification that it immediately filed the present UDRP complaint and therefore asks the Panel to find for Reverse Domain Name Hijacking.

7. Discussion and Findings

Paragraph 4(a) of the Policy lists three elements, which Complainant must satisfy with respect to the disputed domain name:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) 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.

At the time of filing of the disputed domain name, Complainant's trademark application had not yet proceeded to registration. A pending trademark application would not by itself establish trademark rights within the meaning of UDRP paragraph 4(a)(i). [WIPO Overview 3.0](#), section 1.1.4. However, the Complainant has claimed and the Respondent has not rebutted such claim, continuous use in commerce of its NESTFLOW as an unregistered (at the time of the disputed domain name registration) trademark, since October 2024, namely prior to the disputed domain name registration.

The Panel finds the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3.

The entirety of the dominant verbal element of Complainant's unregistered at the time trademark NESTFLOW is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the unregistered at the time trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "the", 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 generic Top-Level Domain ("gTLD") ".com" is disregarded, as gTLDs typically do not form part of the comparison test under the first element as they are required for technical reasons (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#); *Hay & Robertson International Licensing AG v. C. J. Lovik*, WIPO Case No. [D2002-0122](#)).

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 arguably established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Panel finds however that, before notice to the Respondent of the present dispute on November 20, 2025, the Respondent used the term NESTFLOW in connection with an offering of services as far as that defense under the Policy is concerned. In particular, the Complainant submitted extracts from the Website showing a text of “Terms of Service and Privacy Policy” with content that the Complainant has not questioned as pretextual. Furthermore, the Complainant submitted evidence of the Respondent’s use of “Nestflow” in the Apple App Store. The Complainant further submitted evidence of the Respondent’s trademark application before the United States trademark office filed on June 17, 2025. As the Complainant submitted, this was an intent to use application. As the Complainant also states, it filed a complaint before Apple App Store about the NESTFLOW app of the Respondent at the same time as the present Complaint, namely on November 16, 2025. The Panel notes that the trademark application is in the name of “Nestflow Corp”, not Respondent. Furthermore, the Website policies and the App refers to a company under the name “Nestflow Corp” not Respondent. Respondent has not provided any information or evidence on his relationship with “Nestflow Corp”. However, Complainant has not objected to the trademark application, the Website, or App being that of Respondent and both parties refer to them as being of Respondent.

Noting the timing of the Complainant’s announcement of rebranding under “NESTFLOW” in October 2024 in the financial-technology and real estate sectors – which are wider than Respondent’s sector but which include real estate, the Panel considers this a case that calls for additional evidence and examination than is provided in the case file, and generally under the Policy; whether the Complainant would have a trademark or passing off case is not before the Panel (the Respondent claims that the Parties operate in different trademark classes in different jurisdictions), and it is open to the Complainant to oppose the Respondent’s intent to use trademark application.

Notably Respondent did not claim or prove that the registration of the company name “Nestflow corp” which is the company mentioned as owner of the Website, the app, and the trademark application, is prior to the Complainant rights and rebranding announcement. Respondent does not provide any information or evidence about the time when this corporate name was registered, even if it were to be accepted, as both parties appear to do, that this company belongs to Respondent, which however was neither alleged nor proved by Respondent. Furthermore, there is no clear allegation or evidence of when Respondent’s use started. However this is necessarily subsequent to the trademark application filing in the USA, on June 17, 2025, as that application was filed as an “intent to use” one. Furthermore, the application was filed subsequent to the disputed domain name registration of May 22, 2025.

On the other hand, as Respondent stated in his response to the Panel Order, when he searched domain name databases he came across the domain name <nestflow.com> of Complainant (“Respondent observed that the domain <nestflow.com> was already registered and unavailable for direct registration”). He also acknowledged that he located Complainant’s use (“Based solely on what was publicly visible at that time, the domain nestflow.com appeared to be associated with a narrowly focused European financial website”). Therefore Respondent was aware of Complainant’s domain name and use prior to the registration of the disputed domain name.

In view of the above, there is no evidence on record giving rise to any rights or legitimate interests in the disputed domain name on the part of Respondent within the meaning of paragraphs 4(c)(ii) and 4(c)(iii) of the Policy. Any prior to the notice of the dispute use by Respondent does not appear to be bona fide under the terms of the Policy, as Respondent was, as he acknowledged, aware of Complainant and its use, when he registered the disputed domain name. The Respondent did not prove that he was commonly known by the disputed domain name prior to the notice of the dispute and he did not specify his connection to NESTFLOW Corp. Last, Respondent is not making a legitimate noncommercial or fair use of the domain name but instead alleges to use the disputed domain name for his business and the Website with a link to

Respondent's app.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The similarity of the disputed domain name to the Complainant's NESTFLOW mark and the chronology of the facts, namely that the disputed domain name was registered a few months after the Complainant announced in LinkedIn its rebranding and some months after the Complainant's trademark application, may suggest that the Respondent's intent in registering the disputed domain name was to unfairly capitalize on the Complainant's nascent (typically as yet unregistered) trademark rights.

As Respondent stated in his response to the Panel Order, when he searched domain name databases he came across the domain name of Complainant <nestflow.com> ("Respondent observed that the domain <nestflow.com> was already registered and unavailable for direct registration"). He also acknowledges that he located Complainant's use ("Based solely on what was publicly visible at that time, the domain nestflow.com appeared to be associated with a narrowly focused European financial website"). Therefore Respondent was aware of Complainant's domain name and use prior to the registration of the disputed domain name.

In view of the above the Panel finds sufficient evidence on record that the Respondent registered the disputed domain name in bad faith targeting the Complainant. [WIPO Overview 3.0](#), section 3.8.1., 3.8.2. Even though the Respondent is based in the U.S., while the Complainant is based in Europe, the Respondent acknowledged that he knew of the Complainant's domain name <nestflow.com> and corresponding website, when he registered the disputed domain name.

The Panel further notes that the Respondent's premise in his Response that "Where a complainant holds no rights in the respondent's country, bad faith cannot be inferred" misconceives the Policy. The fact that the rights of Complainant exist in another jurisdiction than the one where Respondent is active does not preclude the bad faith of the latter, within the meaning of the Policy.

Under these circumstances and on this record, the Panel finds that Respondent has registered and is using the disputed domain name in bad faith.

The Panel finds the third element of the Policy has been established.

8. 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 <thenestflow.com> be transferred to the Complainant.

/Marina Perraki/

Marina Perraki

Sole Panelist

Date: January 19, 2026