

ADMINISTRATIVE PANEL DECISION

Nicoventures Holdings Limited v. jake brooks
Case No. D2025-4926

1. The Parties

The Complainant is Nicoventures Holdings Limited, United Kingdom ("UK"), represented by Com Laude Limited, UK.

The Respondent is jake brooks, United States of America.

2. The Domain Name and Registrar

The disputed domain name <vuseshop.com> is registered with Nicenic International Group Co., Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 26, 2025. On November 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 27, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 3, 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 December 9, 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 paragraphs 2 and 4 of the Rules, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on December 10, 2025. In accordance with paragraph 5 of the Rules, the due date for Response was December 30, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 6, 2026.

The Center appointed Yuji Yamaguchi as the sole panelist in this matter on January 12, 2026. 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 paragraph 7 of the Rules.

4. Factual Background

The Complainant is an entity within the British American Tobacco group of companies ("BAT"). BAT is a leading consumer goods business headquartered in London, UK. BAT was founded in 1902 and now operates in around 160 countries and employs over 50,000 staff. BAT sells five main categories of products: Vapour, Heated Tobacco, Modern Oral, Traditional Oral and combustible cigarettes. The Complainant acts as an investment holding company for BAT in relation to new products. The Complainant's portfolio of products includes non-combustible vaping products sold under the brand VUSE.

The Complainant is also the BAT group's holder of intellectual property rights for, inter alia, the term VUSE. The Complainant is the owner of a large global portfolio of the registered trademarks for the term VUSE (the "VUSE Trademarks") including Australian Trademark No. 1496512 (registered on June 15, 2012), UK Trademark No. UK00910885994 (registered on November 27, 2012), European Union Trade Mark No. 010885994 (registered on November 27, 2012) and Canadian Trademark No. TMA971335 (registered on May 19, 2017).

BAT operates a website at the domain name <bat.com> and the Complainant operates several official country-specific websites to which Internet users are redirected when visiting the domain name <vuse.com>.

The disputed domain name was registered on July 29, 2025, and resolved to a website featuring the Complainant's VUSE logotype, marketing images and product images as of October 6, 2025, but after the Complainant's agent initiated a takedown action against the hosting provider on that day, the hosting provider disabled its services for the Respondent's website, and the disputed domain name no longer resolves to a live website.

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's contentions may be summarized as follows:

The disputed domain name incorporates the Complainant's VUSE Trademark in its entirety, combined with the dictionary word "shop". The dictionary word "shop" is closely related to the Complainant's activities as it operates its own VUSE online shops. The VUSE Trademark remains easily recognizable within the disputed domain name, despite the adornment "shop". Internet users who see the disputed domain name will likely perceive it as a domain name belonging to the Complainant, or at least an entity related to or endorsed by the Complainant. The generic Top-Level Domain ("gTLD") ".com" is required only for technical reasons and can be ignored when comparing the disputed domain name to the Complainant's marks.

There is no evidence that the Respondent has been commonly known as VUSE or VUSE SHOP prior to or after the registration of the disputed domain name. The Respondent is not a licensee of the Complainant and has not received any permission or consent from the Complainant to use its VUSE Trademark. Furthermore, there is no evidence that the Respondent owns any trademarks incorporating the terms VUSE or VUSE SHOP. Equally, there is no evidence that the Respondent has ever traded legitimately under the names VUSE or VUSE SHOP. The Respondent cannot claim a legitimate "fair use" interest as the nature of

the disputed domain name carries a risk of implied affiliation. As the adornment “shop” is closely associated with the Complainant, the adornment increases the potential for confusion, and the disputed domain name falsely suggests affiliation with the Complainant. The Respondent targeted VUSE Trademark to deceive Internet users into believing that the Respondent’s website was operated by or associated with the Complainant. The website did not contain any disclaimers or make clear the lack of relationship between the Parties. The Respondent was trying to take advantage of the Complainant’s reputation, and to divert traffic to its website by using VUSE logotype, marketing images and product images. Such misleading and confusing use could not relate to a genuine, bona fide offering of goods and services and such use could not grant the Respondent a legitimate interest in the disputed domain name. The Respondent cannot claim to be a genuine reseller of the Complainant’s products, and that the Respondent cannot claim nominative fair use as a reseller or distributor of the Complainant’s products. The Respondent has made no demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods and services, since the Respondent has no right to assume the Complainant’s VUSE Trademark or trading style. The Complainant objects to the appropriation of its registered VUSE Trademarks to advertise and promote an unrelated, unapproved third-party shop that offers either counterfeit, parallel import or grey market goods. The Respondent’s use of the disputed domain name to attempt to impersonate the Complainant or imply sponsorship or endorsement of the Respondent by the Complainant, cannot constitute a bona fide offering of goods and services.

There is a likelihood of “initial interest confusion”; that the website associated with the disputed domain name is confusing and that a lack of any disclaimer increases the potential for confusion. The disputed domain name is, in and of itself, confusing to Internet users. Given that the disputed domain name prominently incorporates the Complainant’s VUSE Trademarks, “initial interest confusion” is inevitable. The adornment “shop” does nothing to dispel any confusion but increases the likelihood for confusion as it falsely implies that the disputed domain name could be the official Complainant’s VUSE web shop. Internet users seeing the disputed domain name in search engine results would reasonably assume that it was operated by, connected with or endorsed by the Complainant. When Internet users arrived at the website associated with the disputed domain name, the confusion was not dispelled, but the potential for confusion was exacerbated. It is reasonable to apprehend that the website associated with the disputed domain name is used in relation to the sale of either counterfeit, parallel import or grey market goods. The Respondent is not a genuine reseller of the Complainant’s VUSE goods and as such any Complainant’s products offered on the Respondent’s website are outside the Complainant’s quality control systems. Any such use will tarnish the Complainant’s names and marks and diminish consumers’ trust associated with the VUSE Trademark and the quality of products offered by the Complainant.

B. Respondent

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

6. Discussion and Findings

In accordance with paragraph 4(a) of the Policy, the Complainant must assert and prove the following three elements are present:

- (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 in paragraph 4(a) of the Policy 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. See section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

The disputed domain name consists of the Complainant's VUSE Trademark in its entirety and the term "shop" along with the gTLD ".com".

The Panel finds the VUSE Trademark is recognizable within the disputed domain name. The addition of the term "shop" does not avoid a finding of confusing similarity between the disputed domain name and the Complainant's marks for the purposes of the Policy. See *Philip Morris Products S.A. v. Contact Privacy Inc. Customer 7151571251 / Burakcan Aslan, iqos HEETS*, WIPO Case No. [D2022-2646](#). See also section 1.8 of the [WIPO Overview 3.0](#).

The gTLD in a domain name is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. See section 1.11.1 of the [WIPO Overview 3.0](#).

Thus, the Panel finds that the disputed domain name is confusingly similar to the Complainant's VUSE Trademark and the first element in paragraph 4(a) 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.

As the Complainant asserts, there is no evidence that the Respondent has been commonly known as VUSE or VUSE SHOP and owns any trademarks incorporating the terms "vuse" or "vuse shop", as contemplated by paragraph 4(c)(ii) of the Policy. The Respondent is neither a licensee of the Complainant to use its VUSE Trademark nor the authorized reseller of the Complainant. The Complainant claims that the products are either counterfeit or "grey market goods". The use of a domain name for sale of counterfeit goods can never confer rights or legitimate interests on a respondent. See section 2.13.1 of the [WIPO Overview 3.0](#). If the products offered on the website are grey market goods, the Panel considers that the Respondent would have chosen a domain name which composition is susceptible of attracting Internet users to its website based on the attractiveness of the trademark. The composition of the disputed domain name carries a risk of implied affiliation. Therefore, the Respondent is not considered to be making a legitimate noncommercial or fair use of the disputed domain name stipulated by paragraph 4(c)(iii) of the Policy. The Respondent's use of the disputed domain name does not amount to a bona fide offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy.

Although the overall burden of proof in the proceedings is on the complainant, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on the second element in paragraph 4(a) of the Policy 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 in paragraph 4(a) of the Policy. See section 2.1 of the [WIPO Overview 3.0](#).

Having reviewed the available record, the Panel finds that 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.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name and the second element in paragraph 4(a) of the Policy has been established.

C. Registered and Used in Bad Faith

The Complainant's registration of several VUSE Trademarks pre-dates the registration of the disputed domain name by more than 13 years. Considering the Complainant's global business operation, the Respondent must have been aware of the VUSE Trademark when it registered the disputed domain name.

The fact that the disputed domain name resolves to a website featuring the sale of the Complainant's vape products, further reveals a financial motive of misleading Internet users, who are trying to find the Complainant's website, to instead visit the Respondent's website for its own financial gain.

The Respondent's use of the Complainant's trademarks, brands and copyrighted images along with its notice of copyright ownership on the website as to the images and content depicting the Complainant's brands and products, shows an intention to mislead consumers into believing it is an authorized or official site of the Complainant. See *Philip Morris Products S.A. v. Domain Admin/Hongwei Song*, WIPO Case No. [D2019-1647](#).

Furthermore, given that the use of a domain name for the sale of claimed counterfeit goods can never confer rights or legitimate interests on a respondent, such behavior is manifestly considered evidence of bad faith. See section 3.1.4 of the [WIPO Overview 3.0](#).

Consequently, the Panel finds that the disputed domain name has been registered and is being used in bad faith and the third element in paragraph 4(a) 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 that the disputed domain name <vuseshop.com> be transferred to the Complainant.

/Yuji Yamaguchi/

Yuji Yamaguchi

Sole Panelist

Date: January 25, 2026