ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Nutricia International B.V. v. Dale Head
Case No. D2025-5435

1. The Parties

The Complainant is Nutricia International B.V., Netherlands (Kingdom of the), represented by Herbert Smith Freehills Kramer Paris LLP, France.

The Respondent is Dale Head, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <aptamilbabymilk.com> is registered with NameSilo, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 30, 2025. On December 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 (User #0012f6d1 Privacy, PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 6, 2026, 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 January 7, 2026.

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 January 15, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 4, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 5, 2026.

The Center appointed Gonçalo M. C. Da Cunha Ferreira as the sole panelist in this matter on February 10, 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 the Rules, paragraph 7.

4. Factual Background

The Complainant, Nutricia International B.V., is a Dutch company active in the field of early life nutrition and medical nutrition. It distributes infant formula products under the trademark APTAMIL worldwide.

The Complainant owns numerous trademark registrations for APTAMIL, including, for example:

- International Trademark No. 376506, APTAMIL, registered on February 2, 1971;
- European Union Trade Mark No. 007203813, APTAMIL, registered on October 21, 2010;
- United States of America Trademark No. 6156091, APTAMIL, registered on September 22, 2020.

The Complainant also operates numerous domain names incorporating the APTAMIL trademark, including <aptamil.com>, registered in 2007, as well as various country-code and generic Top-Level Domain names reflecting its global online presence.

The disputed domain name <aptamilbabymilk.com> was registered on July 25, 2025.

The evidence submitted shows that the disputed domain name resolves to a website purportedly offering infant formula products under the APTAMIL trademark. The website prominently reproduces the APTAMIL mark and related branding elements and contains statements indicating that the website is owned by "Nutricia Ltd". The website includes no disclaimer indicating the absence of any relationship with the Complainant.

The website further contains an order or inquiry form inviting Internet users to provide personal information, including name, email address, telephone number, postal address, product requested and quantity.

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.

The Complainant contends that:

1. it owns longstanding and well-known rights in the trademark APTAMIL;
2. the disputed domain name incorporates the APTAMIL mark in its entirety, with the addition of the descriptive term "babymilk", which does not prevent confusing similarity;
3. the Respondent has not been authorized, licensed or otherwise permitted to use the APTAMIL mark;
4. the Respondent is not commonly known by the disputed domain name and has no corresponding trademark rights;
5. the disputed domain name resolves to a website that reproduces the APTAMIL mark and falsely suggests affiliation with the Complainant;
6. such use constitutes impersonation and is not a bona fide offering of goods or services;
7. the disputed domain name was registered and is being used in bad faith, in particular to attract Internet users for commercial gain by creating a likelihood of confusion.

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 trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions ("WIPO Overview 3.1"), section 1.7.

The Complainant has shown rights in respect of the trademark APTAMIL for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The disputed domain name reproduces the APTAMIL trademark in its entirety, followed by the term "babymilk". The trademark is clearly recognizable within the disputed domain name. The addition of a term does not prevent a finding of confusing similarity. WIPO Overview 3.1, section 1.8.

The generic Top-Level Domain ".com" is disregarded for the purposes of this assessment.

The Panel finds that 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 a respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof rests on the complainant, panels have recognized that once a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production shifts to the respondent. WIPO Overview 3.1, section 2.1.

The Complainant has established that it has not authorized the Respondent to use its APTAMIL trademark, that the Respondent is not commonly known by the disputed domain name, and that the disputed domain name resolves to a website that reproduces the Complainant's trademark and falsely claims affiliation.

Such conduct amounts to passing off. Panels have held that the use of a domain name for passing off or other fraudulent activity can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

The Respondent has not come forward with any evidence demonstrating rights or legitimate interests in the disputed domain name.

The Panel finds that 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 APTAMIL trademark is longstanding and distinctive in the field of infant nutrition. The registration of the disputed domain name decades after the Complainant secured trademark protection further supports the inference that the Respondent was aware of the Complainant and its mark at the time of registration. The composition of the disputed domain name — combining the trademark with a direct reference to infant formula products — evidences clear targeting of the Complainant and its business.

The disputed domain name resolves to a website that reproduces the Complainant's trademark, asserts ownership by an entity presented as linked to the Complainant, and solicits personal and commercial information from Internet users.

Given that the Complainant's products concern infant nutrition — a sector in which consumer trust and accuracy as to source are of particular importance — the misleading representation of affiliation and the collection of personal data from Internet users reinforce the conclusion that the disputed domain name was registered and is being used in bad faith.

Such conduct constitutes an intentional attempt to attract Internet users for commercial gain by creating a likelihood of confusion as to source, sponsorship, affiliation or endorsement, within the meaning of paragraph 4(b)(iv) of the Policy.

Panels have consistently held that passing off and related fraudulent conduct constitute evidence of bad faith registration and use. WIPO Overview 3.1, section 3.4.

The Panel finds that 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 that the disputed domain name <aptamilbabymilk.com> be transferred to the Complainant.

/Gonçalo M. C. Da Cunha Ferreira/
Gonçalo M. C. Da Cunha Ferreira
Sole Panelist
Date: February 24, 2026