

ADMINISTRATIVE PANEL DECISION

British American Tobacco (Brands) Limited v. xgerry 1
Case No. D2026-0454

1. The Parties

The Complainant is British American Tobacco (Brands) Limited, United Kingdom, represented by Com Laude Limited, United Kingdom.

The Respondent is xgerry 1, Indonesia.

2. The Domain Name and Registrar

The disputed domain name <glovapebrand.com> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 4, 2026. On February 4, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 6, 2026, 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 February 11, 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 amended Complaint on February 12, 2026.

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 February 12, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 4, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 5, 2026.

The Center appointed Fabrice Bircker as the sole panelist in this matter on March 13, 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 is a member of the British American Tobacco Group of Companies ("BAT") and is the entity within BAT which owns the corporate trademarks and domain names.

BAT is a British multinational corporation specializing in the manufacture of tobacco and nicotine products, with its headquarters in London. Established in 1902, the company now operates in approximately 160 countries and employs more than 48,000 people. In 2024, it reported revenues of GBP 25,867 million.

BAT manufactures, distributes, and markets a wide range of products under many brands. One of these products is GLO, a tobacco heating product which comprises an electronic handheld device that contains a lithium-ion battery which powers a heating chamber.

According to undisputed elements, the GLO branded products are marketed in 33 markets globally.

These products are notably protected by the following trademark registrations held by the Complainant:

- GLO, United Kingdom trademark registration No. UK00003209471, registered on September 10, 2004, regularly renewed since then, and designating products of class 34;
- GLO, European Union trademark registration No. 015179922, registered on July 6, 2016, regularly renewed since then, and designating products of classes 9, 11 and 34; and
- GLO, Indonesian trademark registration No. IDM000632385, registered on December 15, 2017, and designating products of class 11.

Very little is known about the Respondent, except that it is reportedly located in Indonesia, based on the information disclosed by the Registrar.

The disputed domain name was registered on December 31, 2025.

It resolves to a website featuring online gambling.

In addition, a mail exchange ("MX") record has been configured for the disputed domain name.

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 contends that the disputed domain name is confusingly similar to its GLO trademark, because it reproduces the latter, and the added elements do not prevent it from being recognizable.

Besides, the Complainant argues that the Respondent has no rights or legitimate interests in respect with the disputed domain name, in substance because:

- the Complainant has found no evidence that the Respondent has been commonly known as “Glo” or “Glo Vape Brand”, or that it would own any corresponding trademarks;
- the Respondent is not a licensee of the Complainant and has not received any permission or consent from the Complainant to use its GLO trademark;
- because of its composition, the disputed domain name carries a risk of implied affiliation with the Complainant;
- the Respondent is not making a legitimate non-commercial or fair use of the disputed domain name because it resolves to a gambling website branded “Kupontoto”. As a consequence, there is no apparent connection between the disputed domain name and the website content, and the disputed domain name is being commercially used to misleadingly diverting potential customers of the Complainant and boosting the Respondent’s website traffic;
- the website under the disputed domain name contains hypertext links resolving to gambling websites in connection with countries where gambling is illegal; and
- an MX record is set up with the disputed domain name, and given its composition, any email originating from the disputed domain name would be highly confusing or misleading to the Complainant’s employees, business partners, agencies or clients.

Then, the Complainant contends that the disputed domain name has been registered and is being used in bad faith, notably for the following reasons:

- it is well-established under the Policy that, in most circumstances, diverting a disputed domain name to a gambling site using a third party’s trademark is sufficient on its own to establish registration and use in bad faith, regardless of the Respondent’s motivation;
- the Respondent linked the disputed domain name to a gambling website in an attempt to derive financial advantage from the Complainant’s GLO mark featured within the disputed domain name;
- the website under the disputed domain name incorporates hypertext links redirecting to an Indonesian gambling website, while gambling is illegal in Indonesia;
- the disputed domain name is confusingly similar to the Complainant’s marks, which predate the registration of the disputed domain name by approximately 21 years. As such, it is more likely than not that the Respondent knew of, or should have known of, the Complainant’s rights,
- when searching for GLO VAPE BRAND on Google, all results relate to the Complainant;
- the disputed domain name is configured with an MX record and is therefore capable of email communication. Since the disputed domain name is confusingly similar to the Complainant’s GLO mark, anyone receiving an email originating from the disputed domain name would reasonably assume that it was sent by the Complainant.

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 Select UDRP Questions (["WIPO Overview 3.1"](#)), section 1.7.

Based on the available record (Annex 9 of the Complaint), the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the GLO mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Indeed, although the addition of other terms (here, "vape" and "brand") may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

Regarding the ".com" generic Top-Level Domain ("gTLD") in the disputed domain name, it is well established that a gTLD is generally disregarded in the assessment of a domain name for the purpose of determining identity or confusingly similarity. [WIPO Overview 3.1](#), section 1.11.1.

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 that 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 3.1](#), 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 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.

In the present case, the Complainant has not given its consent to the Respondent to use its GLO trademark in a domain name registration or in any other manner.

Furthermore, there is nothing in the record of the case to indicate that the Respondent may be commonly known by the disputed domain name.

Moreover, the Panel finds that the composition of the disputed domain name, insofar it reproduces the GLO trademark with terms referring to the Complainant, namely “vape” and “brand”, carries a risk of implied affiliation and tends to suggest sponsorship or endorsement by the Complainant, whereas the Respondent is not connected to the latter. This is a further indication of the Respondent's lack of rights or of legitimate interests in the disputed domain name. [WIPO Overview 3.1](#), section 2.5.1

Lastly, it results from the composition of the disputed domain name along with its use in connection with a website featuring gambling services, that the Respondent is using said disputed domain name for commercial gain by unduly capitalizing on the Complainant's mark and in misleadingly diverting Internet users.

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 finds that:

- the Complainant's trademark is distinctive, widely used and predates the registration of the disputed domain name by over two decades,
- the composition of the disputed domain including terms “vape” and “brand” which refer to the Complainant's products directly refers to the Complainant's GLO trademark.

It necessarily results from this situation that the Respondent could not be unaware of the Complainant's trademark when it registered the disputed domain name.

Besides, the composition of the disputed domain name combined with its use in connection with a website featuring online gambling demonstrates that “the [R]espondent has intentionally attempted to attract, for commercial gain, Internet users to its website (...) by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the [R]espondent's website (...)”.

As a consequence, the present situation falls within the scope of paragraph 4(b)(iv) of the Policy.

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 name <glovapebrand.com> be transferred to the Complainant.

/Fabrice Bircker/

Fabrice Bircker

Sole Panelist

Date: March 15, 2026