

ADMINISTRATIVE PANEL DECISION

National Brands Limited v. Yohan Chen, Chensi
Case No. D2026-1565

1. The Parties

The Complainant is National Brands Limited, South Africa, represented by Adams & Adams Attorneys, South Africa.

The Respondent is Yohan Chen, Chensi, China.

2. The Domain Names and Registrar

The disputed domain names <freshpak-tea.com> and <rooibos-freshpak.com> (the “Disputed Domain Names”) are registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 14, 2026. On April 14, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Names. On April 15, 2026, the Registrar 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 22, 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 the same date.

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 April 23, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 13, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 18, 2026.

The Center appointed Marilena Comanescu as the sole panelist in this matter on May 22, 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, a South African company, is the proprietor of, inter alia, the FRESHPAK trademark used in relation to its range of rooibos teas. The Complainant's FRESHPAK range of products is distributed in South Africa and other countries worldwide.

The Complainant had sales of approximately USD 45,876,000 in 2025, has more than 280,000 followers on Facebook, and over 9,700 followers on Instagram.

The Complainant holds worldwide trademark registrations for or including FRESHPAK, such as the following:

- the South African trademark registration no. 1994/01198 for FRESHPAK (word), filed on February 8, 1994, and registered on November 11, 1997, for goods in the International Class 30;
- the Chinese trademark registration no. 18510688 for FRESHPAK (stylized), filed on December 4, 2015 and registered on November 21, 2018, for goods in the International Class 30; and
- the European Union trademark registration no. 018159388 for FRESHPAK (figurative), filed on November 29, 2019 and registered on March 13, 2020, for goods in the International Class 30.

The Disputed Domain Names were registered on February 11, 2026, and, at the time of filing of the Complaint, none was actively used, both resolving to coming soon landing pages.

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 Names.

Notably, the Complainant contends primarily the following:

- the Complainant's FRESHPAK range of products is South Africa's number one brand of rooibos tea and is also well-known across the globe. The Complainant has made extensive and widespread use of its FRESHPAK trademark and, as a result, the Complainant has acquired a substantial goodwill and reputation in the mark;
- the Disputed Domain Names are confusingly similar to its trademark since they wholly incorporate the mark with the addition of descriptive words, "rooibos" and "tea", which is the very product in relation to which the Complainant makes use of its FRESHPAK trademark, and has acquired a significant reputation;
- the Respondent has no rights or legitimate interests in the Disputed Domain Names; and
- the Respondent registered and is using the Disputed Domain Names in bad faith mainly because: (i) the Complainant's registered trademark rights and common law rights predate the registration of the Disputed Domain Names by many years; (ii) the Disputed Domain Names both wholly incorporate the FRESHPAK

trademark and descriptive terms, indicating the Complainant's field of business, respectively, being the very goods for which the Complainant's trademark is well-known; (iii) a simple search conducted on Google for "Freshpak Rooibos tea" immediately reveals the Complainant's products and the Respondent must have been aware of the Complaint and its products; (iv) the registration of the Disputed Domain Names is preventing the Complainant from exercising its rights, amounting to an unfair disruption of the Complainant's business; (v) the use of the Disputed Domain Names would lead people and/or businesses to believe that the Disputed Domain Names are registered to, operated or authorised by, or otherwise connected to the Complainant; and (vi) the use of the Disputed Domain Names by the Respondent is taking unfair advantage of and/or is detrimental to, the distinctive character or repute of the Complainant's well-known FRESHPAK trademark.

B. Respondent

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

6. Discussion and Findings

Under the Policy, the Complainant is required to prove on the balance of probabilities that:

- (i) the Disputed Domain Names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in the Disputed Domain Names; and
- (iii) the Disputed Domain Names have been registered and are 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 Names. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

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 Panel further finds the mark FRESHPAK is recognizable within the Disputed Domain Names. Accordingly, both the Disputed Domain Names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

While the addition of other elements, here a hyphen and the terms "tea" and "rooibos", respectively, may bear on assessment of the second and third elements, the Panel finds the addition of such elements does not prevent a finding of confusing similarity between the Disputed Domain Names and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

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 3.1](#), 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 prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Disputed Domain Names such as those enumerated in the Policy or otherwise.

The Panel notes the composition of the Disputed Domain Names which incorporates the Complainant's trademark together with dictionary terms related to Complainant's business and goods under the FRESHPAK mark. Such fact, together with the other circumstances in this case, including the lack of any explanation for the choice of Disputed Domain Names by the Respondent, do not amount to a bona fide offering or legitimate noncommercial or fair use.

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 notes that the Disputed Domain Names were registered in bad faith, most likely with knowledge of the Complainant and its trademark, particularly because the Disputed Domain Names incorporate the Complainant's trademark with dictionary terms related to the Complainant's business and products, and the registration of the FRESHPAK trademark predates the registration of the Disputed Domain Names by more than 30 years and acquired reputation in its industry.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.1](#), section 3.2.1.

At the time of filing the Complaint, the Disputed Domain Names did not resolve to active pages. UDRP panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. The Panel notes the distinctiveness and international reputation of the Complainant's trademark; the composition of the Disputed Domain Names; the Respondent's failure to provide a response in this procedure; the implausibility of any good faith use to which the Disputed Domain Names may be put, and finds that, in the circumstances of this case, the passive holding of the Disputed Domain Names does not prevent a finding of bad faith under the Policy. [WIPO Overview 3.1](#), section 3.3.

Moreover, previous UDRP panels have found that the mere registration of a domain name that is identical or confusingly similar to a widely known trademark by an unaffiliated entity can, by itself, create a presumption of bad faith for the purpose of Policy. [WIPO Overview 3.1](#), section 3.1.4.

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 Names, <freshpak-tea.com> and <rooibos-freshpak.com>, be transferred to the Complainant.

/Marilena Comanescu/

Marilena Comanescu

Sole Panelist

Date: May 29 2026