

ADMINISTRATIVE PANEL DECISION

Nieto Trading B.V., Nieto Shipping B.V., Nieto Holding B.V. v. Kafavis
Kafavis, Kafavis Company; Eden Lucky, NOVA TECH
Case No. D2026-2488

1. The Parties

The Complainants are Nieto Trading B.V., Nieto Shipping B.V., and Nieto Holding B.V., Netherlands (Kingdom of the), represented by Ploum, Netherlands (Kingdom of the).

The Respondents are Kafavis Kafavis, Kafavis Company, Netherlands (Kingdom of the); and Eden Lucky, NOVA TECH, Nigeria.

2. The Domain Names and Registrars

The disputed domain name <nieto-shippingbv.com> is registered with Hostinger Operations, UAB.

The disputed domain name <nietoshippingbv.com> is registered with NameCheap, Inc. (Hostinger Operations, UAB and NameCheap, Inc., collectively, the “Registrars”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 9, 2026. On June 9, 2026, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On June 9, 2026, the Registrars 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 (The RDAP server redacted the value, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint.

The Center sent an email communication to the Complainants on June 10, 2026, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainants to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all disputed domain names are under common control. The Complainants filed an amended Complaint on June 10, 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 Respondents of the Complaint, and the proceedings commenced on June 22, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 12, 2026. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on July 17, 2026.

The Center appointed Andrea Mondini as the sole panelist in this matter on July 21, 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 Complainants are based in Amsterdam and are part of the Grupo Nieto, a Mexican group active in the oil and gas industry with over 6,000 employees. Specifically, the Complainant, Nieto Trading B.V., is a global player in the energy, in particular oil and gas industry and is a trader on the propane and diesel market; the Complainant, Nieto Shipping B.V., is involved in the ownership repair and storage of, and trading in ships and equipment; and the Complainant, Nieto Holding B.V., owns the following trademark registrations:

TRADEMARK	JURISDICTION	REGISTRATION NUMBER	REGISTRATION DATE	INTERNATIONAL CLASSES
	Benelux	1455590	February 16, 2022	35, 36, 39
	Benelux	1455589	February 16, 2022	35, 36, 39

The Complainants are hereinafter referred to as "the Complainant".

The Complainant operates the websites accessible under the domain names <ntrading.nl> and <ntrading.com>.

The Respondents did not file a Response. Therefore, not much is known about the Respondents.

The disputed domain name <nietoshippingbv.com> was registered on July 26, 2025. The disputed domain name <nieto-shippingbv.com> was registered on October 28, 2025.

According to the evidence submitted with the Complaint, both disputed domain names, at one point, resolved to virtually identical websites, impersonating the Complainant including the use of the Complainant's physical address, and purporting to market the services offered by the Complainants. At the time of submitting the Complaint, the disputed domain name <nietoshippingbv.com> no longer resolved to an active 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 names.

Notably, the Complainant contends as follows:

The trademark NIETO has been extensively used to identify the Complainant and its services. The disputed domain names are confusingly similar to the NIETO trademark in which the Complainant has rights, because it incorporates this trademark in its entirety, and the addition of the descriptive terms "shipping" and "bv" (which stands for limited liability company in Dutch) is not sufficient to prevent a finding of confusing

similarity. Moreover, the disputed domain names are identical to the Complainant's, Nieto Shipping B.V., company name.

The Respondents have no rights or legitimate interests in respect of the disputed domain names. The Respondents have not been authorized by the Complainant to use this trademark, are not commonly known by the disputed domain names, and there is no evidence of the Respondents' use, or demonstrable preparation to use the disputed domain names in connection with a bona fide offering of goods and services.

The disputed domain names were registered in bad faith because it is obvious that the Respondent had knowledge of the Complainant and its well-known trademark NIETO at the time it registered the disputed domain names. The disputed domain names have been used and one of them is still being used in bad faith, by posting websites impersonating the Complainant, and even referring to the Complainant's physical address.

B. Respondents

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, in order to succeed, a complainant must establish each of the following elements:

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

6.1 Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Select UDRP Questions (["WIPO Overview 3.1"](#)), section 4.11.2.

As regards common control, the Panel notes that both disputed domain names (i) target the Complainant's NIETO trademark, (ii) are nearly identical, the only difference being a hyphen, and (iii) used to resolve, at one point, to nearly identical websites, impersonating the Complainant including the use of the same physical address of the Complainant. These circumstances indicate that the disputed domain names are subject to common control.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to herein as “the Respondent”) in a single proceeding.

6.2 Substantive issues

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 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 finds the entirety of the word element of the NIETO mark is reproduced within the disputed domain names.

Although the addition of other terms such as here “shipping” and “bv” may bear on assessment of the second and third elements, the Panel finds that in the present case the addition of such terms 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 addition of the generic Top-Level Domain (“gTLD”) “.com” in the disputed domain names is a standard registration requirement and as such may be disregarded under the confusing similarity test under the Policy, paragraph 4(a)(i). [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 for a complainant to prove 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 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.

Panels have held that the use of a domain name for illegal activity such as here impersonating the Complainant, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

Furthermore, the composition of the disputed domain names itself suggests a connection or implied affiliation with the Complainant, which in fact does not exist. [WIPO Overview 3.1](#), section 2.5.1

Based on the available record, 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. [WIPO Overview 3.1](#), section 3.2.1.

In the view of the Panel, noting that the Complainant's trademark registration predates the registration of the disputed domain names and considering that the disputed domain names resolved, at one point, to virtually identical websites impersonating the Complainant as discussed above, it is inconceivable that the Respondent could have registered the disputed domain names without knowledge of the Complainant and its well-known trademark in the relevant industry. In the circumstances of this case, this is evidence of registration in bad faith.

The impression given by the websites posted under both disputed domain names and still posted under the <nieto-shippingbv.com> disputed domain name would cause Internet users to believe that the Respondent is somehow associated with the Complainant when, in fact, it is not. The Panel holds that by using the disputed domain names, the Respondent 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 its websites in the sense of Policy, paragraph 4(b)(iv). Although the disputed domain name <nietoshippingbv.com> is no longer active, considering its prior use, the composition of this disputed domain name, and the distinctive or reputation of the Complainant's trademark, the Panel finds that such change in use does not impact the Panel's finding on the Respondent's bad faith.

Moreover, panels have held that the use of a domain name for illegal activity such as in the present case impersonating the Complainant constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names constitutes bad faith under 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 <nieto-shippingbv.com> and <nietoshippingbv.com> be transferred to the Complainant.

/Andrea Mondini/

Andrea Mondini

Sole Panelist

Date: August 4, 2026