

ADMINISTRATIVE PANEL DECISION

British American Tobacco (Brands) Limited v. Florence Saunders
Case No. D2026-2637

1. The Parties

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

The Respondent is Florence Saunders, United States of America.

2. The Domain Name and Registrar

The disputed domain name <velosnicotinepouches.com> (the “Disputed Domain Name”) is registered with Spaceship, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 17, 2026. On June 17, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On June 18, 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 Purposes, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 18, 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 June 19, 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 June 26, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 16, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 17, 2026.

The Center appointed Flip Jan Claude Petillion as the sole panelist in this matter on July 27, 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 trademarks and domain names associated with its Modern Oral Nicotine products, among other areas of the business. The Complainant's group is a multinational tobacco and nicotine products company headquartered in London, United Kingdom. The Complainant's group was founded in 1902 and now operates in around 160 countries and employs over 47,000 staff. In 2025, the Complainant's group reported revenues of GBP 25,610 million, of which GBP 3,621 million derived from its new categories products which include the Complainant's VELO brand.

The Complainant's oral nicotine pouches offered under the brand name VELO are a tobacco-free nicotine product. The Complainant is the owner of various registered trademarks for the term VELO, including the following:

- VELO, United Kingdom trademark registration No. UK00003385832, registered on August 16, 2019, in class 34;
- VELO, International trademark registration No. 1519358, registered on October 16, 2019, in classes 5 and 30;
- European Union trade mark registration No. 018840583 depicted below, registered on June 9, 2023, in class 34:

VELO

The Complainant operates a website relating to the VELO brand at "www.velo.com".

The Disputed Domain Name was registered on May 11, 2026. According to the Complainant's evidence, the Disputed Domain Name resolved to a website which displayed the Complainant's word and figurative VELO marks, and purported to sell the Complainant's products at discounted prices using product images depicting the Complainant's products. The HTML title tag appeared to mention "VELO NICOTINE POUCHES – THE OFFICIAL WEBSITE". The website also appeared to display a purported company registration certificate for "VELO POUCHES LLC" in the State of Georgia, United States of America, which the Complainant's searches of the Georgia company registry did not corroborate. The Disputed Domain Name currently does not resolve to an active website but appears to be configured to send and receive email.

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 the Disputed Domain Name is confusingly similar to its VELO trademark, as it reproduces the mark in its entirety, merely adding the letter "s" and the descriptive term "nicotine pouches".

Second, the Complainant claims that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name. In summary, according to the Complainant:

- the Respondent has never been commonly known by the Disputed Domain Name or the VELO name, has not been authorized by the Complainant to use its VELO mark, and owns no trademark rights in VELO or VELOS NICOTINE POUCHES;
- the Disputed Domain Name and its associated website falsely suggest sponsorship or endorsement by the Complainant and thus cannot amount to fair use;
- even assuming the Respondent were a genuine reseller of the Complainant's products (which the Complainant denies), the use does not meet the cumulative "Oki Data" criteria for nominative fair use by a reseller, since the Respondent is not part of the Complainant's authorized distribution network, the goods offered are likely counterfeit or grey-market, and the website contains no disclosure of the lack of relationship with the Complainant;
- the website impersonates the Complainant's official website, including through the false self-description as an "official website", the use of the Complainant's logo and product photos, and the absence of any disclaimer, such that the use for the sale of what are likely counterfeit or grey-market goods can never confer rights or legitimate interests under the Policy;
- the website's login and wholesaler registration portals may enable the Respondent to collect personal and business information from Internet users, which cannot confer a legitimate interest; and
- the Disputed Domain Name's active Sender Policy Framework ("SPF") and Mail Exchange ("MX") records mean it is capable of use for misleading email communications, which likewise cannot confer a legitimate interest.

Finally, the Complainant claims that the Disputed Domain Name was registered and is being used in bad faith. In summary, according to the Complainant:

- the Respondent intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's VELO mark as to the source, sponsorship, affiliation or endorsement of the website, including through initial interest confusion, the confusing content of the website itself, and the absence of any disclaimer;
- the Respondent registered the Disputed Domain Name with prior knowledge of the Complainant's VELO mark with the purpose of disrupting the Complainant's business by diverting Internet users to its own site for commercial gain;
- the Respondent's display of what appears to be a fake company registration certificate demonstrates an absence of any conceivable good faith use;
- as the Complainant's VELO mark predates the Disputed Domain Name by approximately seven years, the Respondent knew or should have known of the Complainant's rights when registering the Disputed Domain Name; and
- the Disputed Domain Name's SPF and MX records create a risk that it could be used to send emails impersonating 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, the Panel finds the Complainant has shown rights in respect of a trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the Complainant's VELO 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.

Although the addition of other terms – here, the letter “s” and the term “nicotine pouches” – may bear on assessment of the second and third elements, the Panel finds that the addition of such letter and term 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.

It is well established that the generic Top-Level Domain, here “.com”, may be disregarded when considering whether the Disputed Domain Name is confusingly similar to a trademark in which the Complainant has rights. [WIPO Overview 3.1](#), section 1.11.

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.

The Panel notes that the Respondent has not been shown to be commonly known by the Disputed Domain Name. According to the information provided by the Registrar, the Respondent is “Florence Saunders”. The Respondent's use and registration of the Disputed Domain Name was not authorized by the Complainant.

Fundamentally, a respondent's use of a domain name will not be considered “fair” if it falsely suggests affiliation with the trademark owner. The correlation between a domain name and the complainant's mark is often central to this inquiry. Even where a domain name consists of a trademark plus an additional term, UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. [WIPO Overview 3.1](#), section 2.5.1. The Disputed Domain Name incorporates the Complainant's VELO trademark in its entirety. In the Panel's view, the addition of the descriptive term “nicotine pouches” even increases the risk of confusion as it directly refers to the Complainant's products. The addition of the letter “s” after the Complainant's mark does not change the Panel's finding, as it could be considered as a possessive “s” (VELO's nicotine pouches). The Panel therefore finds that the Disputed Domain Name carries a risk of implied affiliation with the Complainant and cannot constitute fair use.

Beyond looking at the disputed domain name and the nature of any additional terms appended to the mark, UDRP panels also assess whether the overall facts and circumstances of the case, such as the content of

the website linked to a disputed domain name and the absence of a response, support a fair use or not. [WIPO Overview 3.1](#), sections 2.5.2 and 2.5.3.

According to the Complainant's undisputed evidence, the Disputed Domain Name resolved to a website prominently displaying the Complainant's VELO mark and logo, using the Complainant's product photographs, and falsely claiming to be an official website through the HTML title tag. The website contained no disclaimer of any lack of affiliation with the Complainant. It further displayed what purports to be a company registration certificate for "VELO POUCHES LLC" in the State of Georgia, United States of America, the existence of which the Complainant's enquiries with the Georgia company registry did not corroborate. The website also featured a contact form (without identifying a recipient) and a wholesaler registration form soliciting personal and business information from visitors.

In the Panel's view, this neither amounts to a bona fide offering of goods or services nor a legitimate noncommercial or fair use of the Disputed Domain Name. UDRP panels have categorically held that the use of a domain name for illegal activity, such as the sale of counterfeit goods, impersonation or passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

The Respondent had the opportunity to demonstrate its rights or legitimate interests but did not do so. In the absence of a Response from the Respondent, the prima facie case established by the Complainant has not been rebutted.

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. Among these factors demonstrating bad faith registration and use is the use of a domain name to intentionally attempt to attract, for commercial gain, Internet users to a website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on the website or location.

In the present case, the Panel finds that it is inconceivable that the Respondent was unaware of the Complainant and its trademark rights when it registered the Disputed Domain Name as:

- the Disputed Domain Name incorporates the Complainant's distinctive VELO trademark in its entirety, with the sole addition of the letter "s" and the descriptive term "nicotine pouches", the latter being directly descriptive of the Complainant's own products;
- the Complainant's VELO mark predates the registration of the Disputed Domain Name by approximately seven years, and the Complainant's portfolio of trademark registrations for VELO extends to nicotine pouches; and
- the website linked to the Disputed Domain Name provides additional evidence of the Respondent's knowledge of the Complainant and its mark, given its extensive and repeated use of the Complainant's VELO brand, logo and product imagery. [WIPO Overview 3.1](#), section 3.2.2.

As noted above, the Disputed Domain Name appeared to resolve to a website which impersonated the Complainant, displaying the Complainant's VELO mark and logo, product images, and a false self-description as the "official website", without any disclaimer. In the Panel's view, the circumstances of this case clearly indicate that the Respondent has intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's trademark. Given that the use of a domain name for per se illegitimate activity can never confer rights or legitimate interests on a respondent, such behavior is manifestly considered evidence of bad faith. [WIPO Overview 3.1](#), section 3.1.4.

The Panel further notes the Complainant's undisputed evidence that the website linked to the Disputed Domain Name displayed what appears to be a fabricated company registration certificate, the existence of which the Complainant was unable to corroborate in the Georgia company registry. The Panel finds that the use of what appears to be a fake company certificate to mislead consumers into believing the Respondent operates a legitimate business is a further indication of bad faith.

The Panel also notes that the Disputed Domain Name is configured with SPF and MX records, making it capable of sending and receiving email. Given the confusing similarity between the Disputed Domain Name and the Complainant's VELO mark, the Panel finds that such configuration creates a material risk that the Disputed Domain Name could be used to send emails impersonating the Complainant, which further supports a finding of bad faith.

By failing to respond to the Complaint, the Respondent did not take any initiative to contest the foregoing. Pursuant to paragraph 14 of the Rules, the Panel may draw the conclusions it considers appropriate.

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 <velosnicotinepouches.com> be transferred to the Complainant.

/Flip Jan Claude Petillion/

Flip Jan Claude Petillion

Sole Panelist

Date: August 10, 2026