

## **PANEL DECISION**

European Refreshments Unlimited Company v. Radoslav Velkov,  
Tilt Pro EOOD  
Case No. DEU2026-0025

### **1. The Parties**

The Complainant is European Refreshments Unlimited Company, Ireland, represented by ECIJA, Spain.

The Respondent is Radoslav Velkov, Tilt Pro EOOD, Bulgaria.

### **2. The Domain Name, Registry and Registrar**

The Registry of the disputed domain name <drpepper-eu.eu> is the European Registry for Internet Domains ("EURid" or the "Registry"). The Registrar of the disputed domain name is SuperHosting.BG Ltd.

### **3. Procedural History**

On April 23, 2026, the Complainant submitted a Request to Change the Language of the ADR Proceeding with the Center pursuant to Paragraph A(3)(b) of the ADR Rules"). On June 10, 2026, the Panel appointed in that case issued its decision in that matter.

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 Registry a request for registrar verification in connection with the disputed domain name. On June 18, 2026, the Registry transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Complainant filed an amendment to the Complaint on June 25, 2026.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the .eu Alternative Dispute Resolution Rules (the "ADR Rules") and the World Intellectual Property Organization Supplemental Rules for .eu Alternative Dispute Resolution Rules (the "Supplemental Rules").

In accordance with the ADR Rules, Paragraph B(2), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on June 29, 2026. In accordance with the ADR Rules, Paragraph B(3), the due date for Response was July 19, 2026. The Respondent sent an email communication on June 29, 2026. On July 22, 2026, the Center informed the Parties about the commencement of the panel appointment process.

The Center appointed Ingrīda Kariņa-Bērziņa as the sole panelist in this matter on July 29, 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 ADR Rules, Paragraph B(5).

#### **4. Factual Background**

The Complainant is an Irish company that is an indirect subsidiary of the Coca-Cola Company, the world's largest non-alcoholic beverage company. It is the proprietor of, among others, the following trademark registrations:

- Irish Trade Mark No. 231025 for DR PEPPER (word mark), registered on June 18, 2004 for goods in class 32;
- Irish Trade Mark No. 231369 for DR PEPPER (device mark), registered on November 19, 2004 for goods in class 32.

The disputed domain name was registered on May 12, 2025. At the time of this Decision, it did not resolve to an active website. The record contains evidence that it previously resolved to an e-commerce website offering Dr Pepper and other soft drinks for sale. The header for this website stated: "About us—Dr Pepper Europe", and the copyright notice stated "©2026 Dr Pepper Europe, Powered by Shopify".

The Respondent is the manager of a Bulgarian food distribution company called Tilt Pro Food EOOD, which uses the domain name <tiltdrinks.com> for its website. On this website, as verified by the Panel,<sup>1</sup> soft drinks including Dr. Pepper, Coca-Cola, Mountain Dew and Fanta are available for sale. The website states "Tilt Pro EOOD is one of the fastest growing distribution companies in Bulgaria. We are importers of products from leading global brands and a preferred supplier of goods with proven success. The Dr Pepper est.1885 brand is a trademark registered by us for the Republic of Bulgaria in the Bulgarian Patent Office".

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant is part of the Coca-Cola Company, which has over 200 non-alcoholic beverage brands, including Coca-Cola, Fanta, and Dr Pepper, which is one of the popular beverages marketed by the Coca-Cola Company in the European Union. The disputed domain name contains this mark in its entirety, together with the generic suffix "-eu". It is linked to a website that offers various non-alcoholic beverages in the European Union, including Dr. Pepper. The website displays the Complainant's DR PEPPER mark and logos. The Respondent not only used the Complainant's mark on its website, but also filed to register it as a European Union Trade Mark, which the Complainant has opposed. This demonstrates the Respondent's awareness of this mark and a pattern of misappropriating third-party marks. For instance, the Respondent had attempted to register the Complainant's SCHWEPPES mark in Bulgaria, and had similarly attempted to register the GATORADE mark (belonging to another beverage producer).

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<sup>1</sup> According to Paragraph 7(a) of the ADR Rules, the Panel is not obliged, but is permitted at its sole discretion, to conduct its own investigations on the circumstances of the case.

The Respondent is not connected to the Complainant and has no permission to use the Complainant's DR PEPPER mark in a domain name or in any other way. The disputed domain name is nearly identical to that registered by another Coca-Cola company, namely, <drpepper.com>, for an official website connected to the Dr Pepper brand. The Respondent's website falsely states that it is operated by "Dr. Pepper Europe", thereby deliberately misleading Internet users. The website does not display a disclaimer regarding the lack of relationship between the Parties.

The Complainant requests revocation of the disputed domain name.

## **B. Respondent**

The Respondent did not reply to the Complainant's contentions. In an e-mail message to the Center dated June 29, 2026, the Respondent requested that all communications in these proceedings be made in the Bulgarian language.

## **6. Discussion and Findings**

### **A. Language of Proceedings**

The Panel notes the Respondent's June 29, 2026 request to conduct all communications in Bulgarian, which is the language of the registration agreement.

The Panel further notes that, pursuant to paragraph A(3)(a) of the ADR Rules, the Complainant had filed a Request to Change the Language of the ADR Proceeding on April 23, 2026. On June 10, 2026, the Panel appointed in that case issued a decision that the language of proceedings shall be English. See *European Refreshments Unlimited Company v. Radoslav Velkov, Tilt Pro EOOD*, WIPO Case No. [DEUL2026-0003](#).

The record does not contain any facts or arguments that would indicate that the previous Panel's decision should be revisited. Accordingly, the Panel will conduct these proceedings in English.

### **B. Substantive matters**

According to paragraph B(11)(d) of the ADR Rules: "The Panel shall issue a decision granting the remedies requested under the Procedural Rules in the event that the Complainant proves:

(1) in an ADR Proceeding where the Respondent is the holder of a .eu domain name registration in respect of which the Complaint was initiated, that:

- (i) The domain name is identical or confusingly similar to a name in respect of which a right is recognised or established by the national law of a Member State and/or European Union law and; either
- (ii) The domain name has been registered by the Respondent without rights or legitimate interest in the name; or
- (iii) The domain name has been registered or is being used in bad faith."

Due to similarities between the ADR Rules and the Uniform Domain Name Dispute Resolution Policy, the Panel will also take into consideration the WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), where appropriate.

**A. Identical or Confusingly Similar to a name in respect of which a right or rights are recognized or established by national law of a Member State and/or European Union law**

The Complainant has provided evidence establishing that it has trademark rights in the DR PEPPER Mark through use and registration in the European Union. This is sufficient for the Panel to make a finding that the Complainant has rights recognized by European Union law for the purpose of standing to bring a Complaint under paragraph B(11)(d)(1)(i) of the ADR Rules.

In comparing the Complainant's Mark with the disputed domain name, the Panel finds that the disputed domain name is confusingly similar to the Complainant's DR PEPPER mark, since it is fully incorporated in the disputed domain name.

Although the addition of other terms (here, "-eu") may bear on assessment of the second and third elements, the Panel finds the addition of such a term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the ADR Rules.

It is well-established in decisions under the ADR Rules that the country code Top-Level Domain ".eu" is typically ignored when assessing the similarity between a trademark and a domain name.

The Panel therefore finds that the Complainant has established the first element according to paragraph B(11)(d)(1)(i) of the ADR Rules.

**B. Rights or Legitimate Interests**

Under paragraph B(11)(e) of the ADR Rules, the Respondent may demonstrate its rights or legitimate interests in the disputed domain name for purposes of paragraph B(11)(d)(1)(ii) by showing any of the following circumstances, in particular but without limitation:

- (1) prior to any notice of the dispute, the Respondent has used the disputed domain name or a name corresponding to the disputed domain name in connection with the offering of goods or services or has made demonstrable preparation to do so;
- (2) the Respondent, being an undertaking, organization or natural person, has been commonly known by the disputed domain name, even in the absence of a right recognized or established by national and/or European Union law;
- (3) the Respondent is making a legitimate and noncommercial or fair use of the disputed domain name without intent to mislead consumers or harm the reputation of a name in which a right is recognized or established by national law and/or European Union law.

Although the overall burden of proof in ADR Rules 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 available record, the Panel finds that the Complainant has made out a prima facie case that the Respondent does not hold rights or legitimate interests in respect of the disputed domain name. The Respondent has failed to submit any formal response or evidence in these proceedings and has thus not rebutted the Complainant's showing.

The Panel notes that the disputed domain name reflects the Complainant's DR PEPPER mark in its entirety, together with the term "eu", the abbreviation for the European Union. Such a composition carries a risk of implied affiliation with the Complainant, which is inconsistent with a finding that the Respondent has rights or legitimate interests in the disputed domain name. [WIPO Overview 3.1](#), section 2.5.1.

The Panel does not find that the record supports a finding that the Respondent is commonly known by the disputed domain name nor that the Respondent is making legitimate noncommercial use of it. The record indicates that the disputed domain name previously resolved to a website featuring the Complainant's mark and purportedly operated by "Dr Pepper Europe", though the record indicates that the Respondent is an entirely different entity and has no rights in the DR PEPPER mark. Panels have held that the use of a domain name for illegitimate activity (here, claimed passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

The Panel therefore finds that the Complainant has established the second element, according to paragraph B(11)(d)(1)(ii) of the ADR Rules.

### **C. Registered or Used in Bad Faith**

Under paragraph B(11)(d)(1)(iii) of the ADR Rules, the registration or use of the disputed domain name in bad faith are considered alternate bases for a successful complaint.

In the present case, the Panel notes that the Complainant's rights in the DR PEPPER mark predate the registration of the disputed domain name by at least 20 years. The disputed domain name comprises the Complainant's well-established DR PEPPER mark in its entirety, together with the geographic term "eu", which does not distinguish the mark. Accordingly, the Panel finds that the disputed domain name was registered in bad faith.

The Panel further notes that the disputed domain name was used to resolve to a website on which the Respondent purported to be an entity called "Dr Pepper Europe", in contravention of the fact that the Respondent is in no way related to the Complainant and has not demonstrated any rights in the DR PEPPER mark. The Respondent clearly was aware of the Complainant's prior rights. Its conduct demonstrates that its objective in registering and using the disputed domain name was to capitalize on the Complainant's established goodwill and market recognition.

The Panel notes that the Respondent has chosen not to file a response to the Complaint and consequently has not rebutted the Complainant's assertions. (See, for example, *FNAC Darty Participations et Services and Etablissements Darty et Fils v. Paul Romain*, WIPO Case No. [DEU2018-0003](#)).

Under these circumstances and on this record, the Panel finds that the Respondent registered and used the disputed domain name in bad faith, and that the Complainant has established the third element, according to paragraph B(11)(d)(1)(iii) of the ADR Rules.

## **7. Decision**

For the foregoing reasons, in accordance with Paragraph B(11) of the ADR Rules, the Panel orders that the disputed domain name, <drpepper-eu.eu> be revoked.<sup>2</sup>

*/Ingrīda Kariņa-Bērziņa/*

**Ingrīda Kariņa-Bērziņa**

Sole Panelist

Date: August 12, 2026

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<sup>2</sup> The decision shall be implemented by the Registry within thirty (30) days after the notification of the decision to the Parties, unless the Respondent initiates court proceedings in a Mutual Jurisdiction, as defined in Paragraph A(1) of the ADR Rules.