

ADMINISTRATIVE PANEL DECISION

SoletLuna Holdings, Inc. / LifeWave, Inc. v. Qudus Ayegbeni
Case No. D2025-0859

1. The Parties

The Complainants are SoletLuna Holdings, Inc, United States of America (“U.S.”), and LifeWave, Inc. U.S., represented by ARC IP Law, P.C, U.S.

The Respondent is Qudus Ayegbeni, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <lifewave.click> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 28, 2025. On March 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 (Marcos Martins) and contact information in the Complaint.

The Center sent an email communication to the Complainant on March 5, 2025, 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 March 7, 2025.

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 March 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 8, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 11, 2025.

The Center appointed Mihaela Maravela as the sole panelist in this matter on April 16, 2025. 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

According to information in the Complaint, the Complainants have been using the LIFEWAVE trademarks for over 20 years to promote various goods and services, such as non-transdermal adhesive patches, throughout the U.S. and Internationally.

The Complainant, "LifeWave", has assigned the full right and title to its LIFEWAVE trademarks to the Complainant, "SoletLuna". In turn, SoletLuna and LifeWave have entered into a licensing agreement whereby LifeWave has the right to use the trademarks assigned to SoletLuna and handle the enforcement of these trademarks against any third party. Accordingly, given their common rights, both SoletLuna and LifeWave will hereinafter be referred to as the "Complainant".

The Complainant has rights in the trademarks LIFEWAVE, including the International trademark for LIFEWAVE (figurative) registered under number 1,279,038 on September 9, 2015, for goods and services in classes 3, 5, 10, and 35, or the U.S. trademark for LIFEWAVE (figurative) registered under number 4,841,450 on October 27, 2015 in classes 5, 10, and 35.

The disputed domain name was registered on November 19, 2024 and at the date of this Decision it does not resolve to an active website. According to evidence in the record, the disputed domain name resolved at the date of the Complaint, to a website which purportedly helped the victims of cryptocurrency scams to recover lost assets, with the website being branded as "LifeWave" and prominently including the Complainant's LIFEWAVE and design mark.

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 identical to its LIFEWAVE trademark.

As regards the second element, the Complainant submits that the Respondent is not making a legitimate non-commercial or fair use of the disputed domain name and it is evident that the Respondent intends to misleadingly divert consumers and devalue the LIFEWAVE trademarks for his personal gain.

Concerning the third element, the Complainant argues that as a result of its longstanding use of the LIFEWAVE trademarks, and the high quality of their associated goods and services, the LIFEWAVE trademarks have become widely known worldwide, are closely identified with the Complainant, and represent substantial, valuable goodwill. As regards the use, the Respondent is intentionally attempting to attract Internet users to the website at the disputed domain name for commercial gain by creating a likelihood of confusion with the LIFEWAVE trademarks as to the source, sponsorship, affiliation, or endorsement of the website and related services at the disputed domain name. This is further evidenced by the fact that the Respondent is using the LIFEWAVE and design mark on the website at the disputed domain name.

B. Respondent

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

6. Discussion and Findings

The applicable standard of proof in UDRP cases is the “balance of probabilities” or “preponderance of the evidence”, and the Panel can draw certain inferences in light of the particular facts and circumstances of the case. See section 4.2, WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”).

Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following elements:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name was registered and is 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 name. [WIPO Overview 3.0](#), section 1.7.

The Complainant has established that it has rights in the trademark LIFEWAVE. The disputed domain name is identical to the Complainant's trademark. For the purpose of assessing the confusing similarity under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level-Domain (gTLD); see [WIPO Overview 3.0](#), 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 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 3.0](#), 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. Based on the record, the Respondent is not affiliated with or related to the Complainant. There is no evidence that the Respondent has registered the disputed domain name as a trademark or acquired trademark rights. There is no evidence of the Respondent's use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. 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 which would indeed seem to be somewhat difficult noting that the Respondent's website reproduced the Complainant's mark and logo on it.

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.

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 3.0](#), section 3.2.1.

In the present case, the Panel notes that the Respondent, based on the evidence submitted by the Complainant, knew that the disputed domain name consisted of the Complainant's trademark when he registered the disputed domain name. This is underlined by the fact that the disputed domain name is identical to the registered trademark LIFEWAVE and by the use of this trademark, including the unique design element of that mark, on the website at the disputed domain name.

Moreover, the Respondent has not formally participated in these proceedings and has failed to rebut the Complainant's contentions and to provide any evidence of actual or contemplated good-faith use. In the Panel's view, the circumstances of the case represent evidence of registration and use in bad faith of the disputed domain name.

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 <lifewave.click> be transferred to the Complainant.

/Mihaela Maravela/

Mihaela Maravela

Sole Panelist

Date: April 29, 2025