

ADMINISTRATIVE PANEL DECISION

Hims, Inc. v. Daniel Sandvik, Vitamail AS
Case No. D2025-3567

1. The Parties

The Complainant is Hims, Inc., United States of America ("US"), represented by Protakedown Pte. Ltd d/b/a PhishFort, Singapore.

The Respondent is Daniel Sandvik, Vitamail AS, Norway, represented by Page, White & Farrer Limited, United Kingdom ("UK").

2. The Domain Name and Registrar

The disputed domain name <4him4her.com> is registered with Domeneshop AS dba domainnameshop.com (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on September 3, 2025. On September 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 5, 2025, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the disputed domain name which partly differed from the named Respondent (Vitamail AS) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 8, 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 September 8, 2025.

On September 8, 2025, the Center informed the Parties in Norwegian and English, that the language of the registration agreement for the disputed domain name is Norwegian. On September 8, 2025, the Complainant confirmed its request that English be the language of the proceedings. The Respondent agreed to the Complainant's request.

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 September 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 29, 2025. On September 24, 2025, the Respondent requested an extension to file a Response in accordance with the Rules, paragraph 5(b). The new due date for Response was October 3, 2025. The Response was filed with the Center on October 3, 2025.

The Center appointed Rebecca Slater as the sole panelist in this matter on October 13, 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

The Complainant is a US corporation. It conducts its business through the website at the <hims.com> domain name. It provides a digital health platform that connects users with licensed healthcare providers. The Complainant provides access to care across areas including sexual health, hair care, weight loss and mental health.

The Complainant holds the following trade mark registrations:

- US Trade Mark Registration No. 5752037 for HIMS word mark (registered on May 14, 2019); and
- US Trade Mark Registration No. 90980586 for HIMS & HERS word mark (registered on December 5, 2023).

The Respondent is a health food company located in Norway. The Respondent was founded in 2009. Since this time, it has sold over one million units of goods in nine countries. It has won awards for its products and customer service. The Respondent holds the trade mark registration for 4 (European Union Trade Mark Registration No. 018884294, registered on October 12, 2023) which it uses as the main branding element for its products.

The disputed domain name was registered on April 18, 2021 but, according to the Respondent was acquired by it in July 2023.

The disputed domain name currently resolves to a website that offers supplements for men and women for sale. The home page states that “We are one of Europe’s fastest growing brands in high quality dietary supplements – always committed to finding new solutions that promote an active and healthy lifestyle”.

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 contains the direct phrase “HIM”, “HER”, “4HIM”, “4HER”. Accordingly, the disputed domain name is confusingly similar to the Complainant’s trade marks.
- The Respondent is not using nor is there evidence of demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services.
- The disputed domain name was registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant as the owner of the trade marks.

The Complainant has a good faith belief that the Respondent intended to transfer the disputed domain name to the Complainant for valuable consideration in excess of the Respondent's out-of-pocket costs directly related to the disputed domain name. The disputed domain name has active MX and SPF records which might be used to perform a phishing attack against the Complainant.

B. Respondent

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Respondent contends that:

- The trade mark HIMS is not a normal English word and is very unusual. It has been allowed registration as a trade mark in the US on this basis, as has HIMS & HERS (despite the descriptiveness of the term "hers"). The Respondent does not use any sign or domain name containing HIMS. The Complainant is trying to interfere with the descriptive use of the word "him" through asserting rights in the HIMS trade mark.
- The distinctiveness of the Respondent's branding relates to the use of the digit 4. The "him" and "her" elements of the Respondent's branding are non-distinctive and descriptive.
- The Complainant has previously sought to interfere with the business of the Respondent through engaging external lawyers to write to the Respondent. The Respondent replied, but the Complainant did not reply to the Respondent's response.
- The Respondent provided evidence that it is commonly known by the disputed domain name, even though it does not hold a corresponding trade mark registration. The Respondent provided evidence that it has extensively used the disputed domain name for a bona fide offering of goods.
- The disputed domain name has never been registered, or acquired for the purpose of selling, renting or transferring it to the Complainant. The Respondent has never offered to transfer the disputed domain name to the Complainant.
- MX and SPF records are a wholly usual and normal elements of a proper website and are not evidence of bad faith registration or use.
- The Respondent requests a finding of reverse domain name hijacking.

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

1. the disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights;
2. the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
3. the disputed domain name has been registered and is being used in bad faith.

The onus of proving these elements is on the Complainant.

The standard of proof under the Policy is often expressed as the "balance of the probabilities" or "preponderance of the evidence" standard. Under this standard, an asserting party needs to establish that it is more likely than not that the claimed fact is true. This burden cannot be met by simply making conclusory statements unsupported by evidence. To allow a party to merely make factual claims without any supporting evidence would essentially eviscerate the requirements of the Policy as complainants or respondents could simply claim anything without any proof. For this reason, UDRP panels have generally dismissed factual allegations that are not supported by any bona fide documentary or other credible evidence. *Captain Fin Co. LLC v. Private Registration, NameBrightPrivacy.com / Adam Grunweg*, WIPO Case No. [D2021-3279](#); and *Talend S.A.S. v. Attila Balint Nagy*, WIPO Case No. [D2024-4696](#).

Language of the Proceedings

The language of the Registration Agreement for the disputed domain name is Norwegian. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceedings shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceedings be English on the basis that the Parties had previously corresponded in English. The Respondent agreed to this request and filed the Response in English.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceedings shall be English.

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 trade mark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds that each of the Complainant's trade marks (being HIMS and HIMS & HERS) is recognizable within the disputed domain name. The disputed domain name incorporates dominant features of the trade marks (i.e. "him", and "him" and "her", respectively). Accordingly, the disputed domain name is confusingly similar to the Complainant's trade marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition or omission of other letters and symbols (for example, the addition of "4" and the omission of "s" and "&") may bear on assessment of the second and third elements, the Panel finds that such additions and omissions do not prevent a finding of confusing similarity between the disputed domain name and the Complainant's trade marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

In light of the Panel's findings in relation to the third element, it is unnecessary to consider this element.

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.

Paragraph 4(b)(i) provides that it will be evidence of a respondent's bad faith where there are circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name to the complainant who is the owner of the trade mark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name. The Complainant contends that this is the case here but has provided no evidence to support this contention. Moreover, the Respondent provided evidence showing that it had been contacted by the Complainant prior to filing of the Complaint, and in its reply asserted that it has been using the elements "him" and "her" descriptively for its products intended for men and women. At no point did the Respondent offer to transfer the domain name to the Complainant.

The Complainant has not provided any other evidence of bad faith registration or use.

In light of the above, the evidence in the case file as presented does not indicate that the Respondent's aim in registering the disputed domain name was to profit from or exploit the Complainant's trade marks.

The Panel finds the third element of the Policy has not been established.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Rebecca Slater/

Rebecca Slater

Sole Panelist

Date: October 17, 2025