

ADMINISTRATIVE PANEL DECISION

Laboratoire Terravita v. Dana Gallagher
Case No. D2025-3611

1. The Parties

The Complainant is Laboratoire Terravita, France, represented by Coblençe Avocats, France.

The Respondent is Dana Gallagher, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <terravitaeoils.com> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 5, 2025. On September 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 9, 2025, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 10, 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 amendment to the Complaint on September 11, 2025.

The Center verified that the Complaint together with the amendment to the 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 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 7, 2025.

The Center appointed Adam Taylor as the sole panelist in this matter on October 15, 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.

On November 11, 2025, the Panel issued Procedural Order No.1 ("PO1") inviting the Parties to comment on certain matters that had come to the Panel's attention following limited factual research into matters of public record. The Complainant submitted comments on November 14, 2025. The terms of PO1 and the Complainant's comments are set out in Section 6 below insofar as relevant. The Respondent did not file any submission.

4. Factual Background

For some 20 years, the Complainant has supplied food supplements and cosmetics, including skincare products, in France under the mark TERRAVITA.

The Complainant owns a number of registered trade marks for TERRAVITA including International Registration No. 1601286, registered on March 10, 2021, in classes 3, 4, 5, 29, and 32, and designating the United States, amongst other territories.

The Complainant operates a website at "www.terravita.fr".

The disputed domain name was registered on December 17, 2024.

When reviewed by the Panel on October 28, 2025, the disputed domain name resolved to a webpage branded "TERRA VITAE" and headed: "inspired by nature / made to nourish your skin & soul." The page purported to offer three kinds of skin oil for sale and it also included a "Contact Us" enquiry form. The page did not include any site operator details.

As of November 11, 2025, the Respondent apparently operated an Instagram account called "@yogawithdana" with 2,944 followers with the following description: "space holder. birth doula. yoga teacher & so much more. founder of @terra.vitae.oil." The latter Instagram account, with 130 followers and 22 posts, was branded "Terra Vitae Body Oil" with the following description: "Terra Vitae = Earth Life. Organic body oils created by @yogawithdana...." The posts consisted mainly of body oil promotions including images of products branded "TERRA VITAE / EARTH body oil", price lists and "Earth Day" promotions (Both Instagram accounts are collectively referred to below as "the Instagram Accounts").

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 as follows:

- the Complainant is well-known;
- the Respondent lacks rights and legitimate interests in the disputed domain name, which was registered and is being used in bad faith;
- it cannot be a coincidence that the Complainant chose a domain name that is "quasi-identical" to the Complainant's mark;
- use of the disputed domain name to sell the same kind of products as the Complainant does not represent a bona fide offering of goods or services, nor legitimate noncommercial or fair

use, given the substantial reputation of the Complainant's marks and the site's capacity to mislead Internet users;

- the Respondent must have been aware of the Complainant's marks when registering the disputed domain name as the only difference is the addition of "e" to "terravita" and of the word "oils", which strongly suggests that the Respondent wishes to use the disputed domain name for the same activities as those of the Complainant;
- the Complainant has made longstanding and widespread use of its mark over many years;
- the Complainant's goods have a significant reputation and are mentioned in many press articles;
- the Respondent has used the disputed domain name to intentionally attract Internet users to its website for commercial gain; and
- the Complainant has recently been a victim of cybersquatting by virtue of domain names relating to various of its brands including TERRAVITA.

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 trade mark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[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 entirety of the 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 3.0](#), section 1.7.

Although the addition of other terms (here, an additional letter "e" converting "terravita" into "terravitae" plus the word "oils") may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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

B. Rights or Legitimate Interests

It is unnecessary for the Panel to consider this element in light of the Panel's conclusion under the third element below.

C. Registered and Used in Bad Faith

While a panel may draw appropriate inferences from a respondent's default, a respondent default is not necessarily an admission that the complainant's claims are true. In cases where a good faith defence is apparent, panels may find that – despite a respondent's default – a complainant has failed to prove its case. [WIPO Overview 3.0](#), section 4.3.

Furthermore, UDRP panels may undertake limited factual research into matters of public record if they consider such information useful in assessing the merits of the case and reaching a decision.

[WIPO Overview 3.0](#), section 4.8.

In this case, the Panel carried out a basic Google search for the Respondent and the term “terra vitae” and found the Instagram Accounts, apparently owned by the Respondent. In PO1, the Panel invited the Parties to comment thereon. The gist of the Complainant’s response was that the Instagram username “terra.vitae.oil” further evidences the Respondent’s lack of rights and legitimate interests and bad faith, as this incorporates the Complainant’s well-known TERRAVITA trade mark and is being used to sell essential oils, i.e., competing products, thereby creating a likelihood of confusion with those of the Complainant. The Respondent did not comment.

The Panel notes the following:

First, the Complainant says that it operates in France, and its website at “www.terravita.fr”, as well as the press articles produced by the Complainant, are all in French. Whereas the Respondent is located in the United States.

Second, the Complainant does not claim any rights in “terra vitae”. While the Complainant includes the domain name <terravita.fr> in a list of some 20 “terravita” domain names, there is no evidence that it has ever been used <terravita.fr> for a website.

Third, this case does not contain typical indicia of cybersquatting. For example, the appearance/design of the parties’ websites and logos are different.

Fourth, the Instagram Accounts create the impression that the Respondent, apparently a yoga practitioner, is operating a genuine related business distributing organic body oils branded “TERRA VITAE”.

Fifth, the term “terra vitae” means “life of the earth” or “earth of life” and so it is not an entirely unexpected term for the Respondent to use in the context of organic body oils. Indeed, an Internet search reveals other uses of “terra vitae” in relation to various environmental endeavours and businesses focusing on natural products.

In these circumstances, despite the apparent overlap between the Parties’ products and the lack of a response from the Respondent, the Complainant has failed to satisfy the Panel that, on the balance of probabilities, the Respondent deliberately incorporated the Complainant’s mark into the disputed domain name, and Instagram username, in order to create a likelihood of confusion with the Complainant’s products or otherwise to unfairly target the Complainant’s mark, as the Complainant contends.

Insofar as the Complainant is relying on infringement of its intellectual property rights, it is of course open to the Complainant to initiate court proceedings if it considers that it has grounds to do so.

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

7. Decision

For the foregoing reasons, the Complaint is denied.

/Adam Taylor/

Adam Taylor

Sole Panelist

Date: November 26, 2025