

## **ADMINISTRATIVE PANEL DECISION**

Naked Whey, Inc. v. Tirone Parker  
Case No. D2025-4061

### **1. The Parties**

The Complainant is Naked Whey, Inc., United States of America ("United States"), represented by Stoel Rives, LLP, United States.

The Respondent is Tirone Parker, Canada.

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

The disputed domain name <nakedorgans.com> is registered with Rebel Ltd (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 3, 2025. On October 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 7, 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 (Privacy Hero Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 7, 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 October 16, 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 October 16, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 10, 2025.

The Center appointed Adam Taylor as the sole panelist in this matter on November 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**

Since at least 2014, the Complainant has produced nutritional and dietary supplements, including protein supplements, under the mark NAKED, as well as under various NAKED-formative marks.

The Complainant owns a number of NAKED and NAKED-formative registered trade marks including:

- United States trade mark No. 5,304,094 for NAKED WHEY, registered on October 10, 2017, in class 5; and
- United States trade mark No. 5,900,057 for NAKED, registered on November 5, 2019, in class 5.

The Complainant operates a website at “www.nakednutrition.com”.

The disputed domain name was registered on January 18, 2023.

The disputed domain name has been used to resolve to a website that was branded “NAKED” and which featured an image of a “NAKED ORGANS”- branded product plus the heading “ORGANS. UNCENSORED”. The site offered “Custom Naked Capsules”/“the Custom Naked Organs Supplement” for sale as well as products such as Naked Whey and Naked Broth. The Respondent described itself as “Naked Organs”, and also stated that “Naked is a Private Membership Association...”. There was a “Nakedorgans” copyright notice in the footer.

The Respondent did not reply to the Complainant’s cease and desist letter sent on August 21, 2025.

When visited by the Panel on November 27, 2025, the disputed domain name redirected to a website at “www.bornsovereign.me” that appeared very similar to the previous website at the disputed domain name mentioned above, except that the site had been re-branded as “BORN” and, generally, references to “Naked” and “Naked Organs” had been replaced by “Born” and “Born Sovereign”. However, various mentions of “naked” still remained, e.g., “Born Sovereign is a Private Membership Association... AS A PRIVATE MEMBERSHIP ASSOCIATION, NAKED CAN...”. The name “Nakedorgans” still featured in the copyright notice.

#### **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.

##### **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 NAKED 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, "organs") may bear on assessment of the second and third elements, the Panel finds the addition of such 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 3.0](#), section 1.8.

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 recognised 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. 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.

As to paragraph 4(c)(i) of the Policy, and as further discussed in section 6C below, the Panel considers that the Respondent has used the disputed domain name to intentionally attempt to attract, confuse and profit from Internet users seeking the Complainant's goods and/or services. Such use of the disputed domain name is not bona fide.

As to paragraph 4(c)(ii) of the Policy, while the Respondent has referred to itself as "Naked Organs", all the circumstances indicate that the Respondent adopted that name specifically to take unfair advantage of the Complainant's rights. See further under section 6C below. Accordingly, the Panel considers that paragraph 4(c)(ii) of the Policy does not apply.

Nor is there any evidence that paragraph 4(c)(iii) of the Policy is relevant in the circumstances of this case.

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.

In the present case, the Panel notes the following.

First, not only does the disputed domain name include the Complainant's NAKED mark, which is unusual and distinctive in this context, but the Respondent has used the disputed domain name for a website that offers identical goods to those of the Complainant.

Second, the Respondent has followed the Complainant's practice of deploying product names consisting of the word "Naked" plus a descriptive term referable to the product.

Third, the name of one of the Respondent's products, "Naked Whey", corresponds exactly to the name of a Complainant product, as well as to the Complainant's corporate name and to one of its registered trade marks (see Section 4 above).

Fourth, far from appearing in this proceeding to explain and defend its position, the Respondent has instead simply redirected the disputed domain name to a differently-branded website, doubtless in response to the Complainant's claim. In the Panel's view, this amounts to an admission by the Respondent that its previous website was illegitimate.

For all of the above reasons, the Panel considers 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 trade mark for the purpose of sale of competing products in accordance with paragraph 4(b)(iv) of the Policy.

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 <nakedorgans.com> be transferred to the Complainant.

*/Adam Taylor/*

**Adam Taylor**

Sole Panelist

Date: November 27, 2025