

## **ADMINISTRATIVE PANEL DECISION**

Global Brother SRL v. Volodymyr Makhynia  
Case No. D2025-4419

### **1. The Parties**

The Complainant is Global Brother SRL, Romania, represented by IPMatters OÜ, Estonia.

The Respondent is Volodymyr Makhynia, Ukraine.

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

The disputed domain name <theholisticguidetowellness.store> 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 October 27, 2025. On October 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 28, 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 October 30, 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 November 3, 2025.

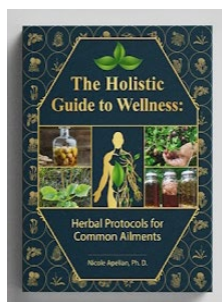
The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules 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 November 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 3, 2025. The Respondent sent an email communication to the Center on December 1, 2025. On December 9, 2025, the Center informed the Parties that it will commence the panel appointment process.

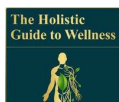
The Center appointed Assen Alexiev as the sole panelist in this matter on December 18, 2025. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

#### 4. Factual Background

The Complainant is a Romanian company established in 2015. Its main fields of activity include e-commerce, publishing and distribution of books, printed and digital materials. The Complainant has logistics warehouses in the United States of America (the “United States”), Canada, Australia, New Zealand, the United Kingdom, and Poland, and its products are distributed in more than 30 European countries in six languages. One of the best-selling publications of the Complainant is “The Holistic Guide to Wellness”, written by Nicole Apelian, Ph.D., a comprehensive book on holistic healing, natural remedies, and wellness practices, first published in March 2023 in the United States and currently distributed internationally through major online retailers including Amazon, Etsy, Books-A-Million, and eBay, and listed in leading digital libraries such as Google Books and Open Library. The Complainant’s official website for this publication is located at the domain name <holisticguidetowellness.com>, which displays the following official photo of the publication:



The Complainant is the owner of a number of trademark registrations for THE HOLISTIC GUIDE TO WELLNESS (the “THE HOLISTIC GUIDE TO WELLNESS trademark”), including the following representative registrations:

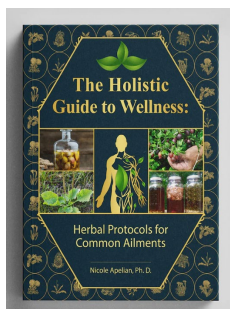


– the figurative International trademark with registration No. 1734730, registered on May 2, 2023, for goods and services in International Classes 9, 16, and 41; and



– the figurative European Union trademark with registration No. 019116026, registered on March 22, 2025, for goods and services in International Classes 9, 16, 35, and 41.

The disputed domain name was registered on July 24, 2025. It resolves to an English language website that offers for sale what appears to be the Complainant’s publication “The Holistic Guide to Wellness” with a price indicated in USD. The website displays the heading “The Holistic Guide to Wellness® - Official Book” and the following photo of the book, which appears to be identical to the official publication of the Complainant:



The Respondent's website also displays the disclaimer "This site is NOT a part of the Facebook website or Facebook Inc. Additionally, this site is NOT endorsed by Facebook in any way", a mailing address similar to the address of the Respondent disclosed by the Registrar, and the copyright notice "© 2025, The Holistic Guide to Wellness All Rights Reserved."

## **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.

The Complainant states that the disputed domain name is identical to the textual component of its THE HOLISTIC GUIDE TO WELLNESS trademark, because the disputed domain name consists solely of the phrase "the holistic guide to wellness".

According to the Complainant, the Respondent has no rights or legitimate interests in respect of the disputed domain name, because the Complainant has never authorized it to use the THE HOLISTIC GUIDE TO WELLNESS trademark or to register a domain name incorporating this trademark. The Complainant states that the Respondent is not affiliated with it and that there is no relationship between the Parties. The Complainant maintains that the Respondent is not commonly known by the disputed domain name, and notes that the contact page on the website at the disputed domain name lists its provider as "Spanish in 60 Days" with a contact phone number in the United Kingdom, a Gmail address and a physical address in London that have no connection to the Complainant. At the bottom of the same page, the contact address of the Respondent in Ukraine is provided. The Complainant points out that this misleading and irrelevant contact information underscores that the Respondent is likely concealing its true identity. The Complainant states that the Respondent is not making any bona fide offering of goods or services under the disputed domain name, since the disputed domain name is aimed at exploiting the Complainant's trademark for commercial gain. The Complainant points out that the website at the disputed domain name is presented as an online store that displays THE HOLISTIC GUIDE TO WELLNESS trademark and purports to sell a book titled "The Holistic Guide to Wellness" for profit. According to the Complainant, such use is neither legitimate nor fair, but seeks to mislead consumers into believing they are dealing with the Complainant or its authorized retailer. The Complainant notes that the choice of the ".store" new generic Top-Level Domain ("gTLD") exacerbates the deception, as it implies an official online store operated by the Complainant.

According to the Complainant, even if the website at the disputed domain name sells the original product of the Complainant, this does not give rise to any legitimate interest, because the website fails to meet the criteria for a bona fide reseller or fan site. The Complainant points out that the Respondent's website includes no disclaimer or clarification for the absence of a relationship with the Complainant; instead, it impersonates the Complainant's brand. There is also no evidence that the product being sold there is genuine, as it is shown as "Sold out", alongside error messages on the page, which calls into question whether any actual product was ever available. The Complainant maintains that, by appropriating the Complainant's exact trademark to attract customers under false pretenses, the Respondent is engaging in the illegitimate behavior. The Complainant notes that the Respondent is using the disputed domain name for the commercial purpose to derive income from selling books (whether genuine or counterfeit) to unsuspecting buyers. According to the Complainant, the Respondent chose the disputed domain name specifically because it corresponds to the Complainant's trademark, and not because the Respondent has any independent right or interest in the phrase.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant notes that the Respondent registered the disputed domain name in July 2025, which was well after the Complainant had established its trademark rights and copyright, and after the Complainant's book had achieved marketplace success. The Complainant points out that by July 2025, its book "The Holistic Guide to Wellness" had been released since March 2023 and was gaining popularity, including high

rankings on Amazon, and the Complainant's trademarks were already registered. The Complainant concludes that the Respondent had actual knowledge of the Complainant's book and brand at the time of registration and intended to impersonate the Complainant and to exploit its goodwill. The Complainant points out that the content of the website at the disputed domain name confirms the Respondent's knowledge of the Complainant's trademark and intent to mislead, as the website is built entirely around the Complainant's THE HOLISTIC GUIDE TO WELLNESS branding and offers what appears to be the Complainant's own book for sale without authorization. The Complainant concludes that by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the website at the disputed domain name by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the website at the disputed domain name and the products on it.

The Complainant notes that it has previously filed two other complaints against the Respondent (*Global Brother SRL v. Volodymyr Makhynia*, WIPO Case No. [D2025-4121](#) and *Global Brother SRL v. Volodymyr Makhynia*, WIPO Case No. [D2025-4247](#)). These two disputes involved facts that are similar to the facts in the present proceeding, since there, the Respondent had sought to impersonate the Complainant and exploit its trademarks and reputation to sell unauthorized copies of another one of the Complainant's books.

## **B. Respondent**

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

With its informal email communication to the Center, the Respondent made the following statement:

"I am fully willing to voluntarily transfer the disputed domain name to the Complainant and would like to proceed with the transfer as quickly and smoothly as possible. Please advise on the next steps required from my side to complete the transfer in accordance with the UDRP process. I want to ensure full cooperation and avoid any unnecessary delays or complications."

## **6. Discussion and Findings**

### **6.1 Preliminary issue**

The Panel notes that the Respondent's postal address is stated to be in Ukraine. Noting that Ukraine is subject to an international conflict at the date of this Decision, the Panel is to consider, in accordance with paragraph 10 of the Rules, whether the proceeding should continue. Under paragraph 10 of the Rules, the Panel is required to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and also that the administrative proceeding takes place with due expedition.

The Panel notes that the courier was able to deliver the written notice to the Respondent's address in Ukraine, and the Notification of Complaint was delivered to the Respondent's email address provided by the Registrar without receiving any delivery failure response. Moreover, the Respondent has not opposed the continuation of the proceeding.

The Panel therefore concludes that the Respondent has been provided a fair opportunity to present its case, and proceeds with the issuance of the present decision.

### **6.2. Substantive issues**

#### **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 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 THE HOLISTIC GUIDE TO WELLNESS trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. This is a figurative trademark in which the textual elements "THE HOLISTIC GUIDE TO WELLNESS" dominate.

As discussed in section 1.10 of the [WIPO Overview 3.0](#), Panel assessment of identity or confusing similarity involves comparing the (alpha-numeric) domain name and the textual components of the relevant mark. To the extent that design (or figurative/stylized) elements would be incapable of representation in domain names, these elements are largely disregarded for purposes of assessing identity or confusing similarity under the first element.

All textual elements of the THE HOLISTIC GUIDE TO WELLNESS trademark are reproduced within the disputed domain name without the addition of any other elements. Accordingly, the disputed domain name is identical to THE HOLISTIC GUIDE TO WELLNESS trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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. 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.

The disputed domain name resolves to a website that offers for sale what appears to be the Complainant's book "The Holistic Guide to Wellness". The Panel will therefore consider whether the Respondent may have a legitimate interest in the disputed domain name on the basis of its engagement in the sales of the Complainant's product, even though it is not completely clear whether the Respondent is selling the original book published by the Complainant.

As discussed in section 2.8 of the [WIPO Overview 3.0](#), Panels have recognized that resellers, distributors, or service providers using a domain name containing the complainant's trademark to undertake sales or repairs related to the complainant's goods or services may be making a bona fide offering of goods and services and thus have a legitimate interest in such domain name. Outlined in the "Oki Data test", the following cumulative requirements will be applied in the specific conditions of a UDRP case:

(i) the respondent must actually be offering the goods or services at issue;

- (ii) the respondent must use the site to sell only the trademarked goods or services;
- (iii) the site must accurately and prominently disclose the registrant's relationship with the trademark holder; and
- (iv) the respondent must not try to "corner the market" in domain names that reflect the trademark.

Cases applying the Oki Data test usually involve a domain name comprising a trademark plus a descriptive term (e.g., "parts", "repairs", or "location"), whether at the second-level or the top-level. At the same time, the risk of misrepresentation has led panels to find that a respondent lacks rights or legitimate interests in cases involving a domain name identical to the complainant's trademark.

Here, the disputed domain name is identical to the dominating textual elements of the Complainant's THE HOLISTIC GUIDE TO WELLNESS trademark, which creates a risk of misrepresentation. Even if this aspect is disregarded, the Respondent's conduct would still not comply with its requirements of the Oki Data test, as its website not only does not include a disclaimer for the absence of a relationship with the Complainant, but does not mention the Complainant at all, but claims copyright in the website and includes a reference to the Complainant's trademark with the ® sign next to it. Such conduct does not comply with the basic requirement of the Oki Data test that the website must accurately and prominently disclose the registrant's relationship with the trademark holder. This leads the Panel to the conclusion that the Respondent does not have rights or legitimate interests in the disputed domain name.

The Panel therefore finds that 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 that the Respondent has registered the disputed domain name about two years after the Complainant's book was first published, and it is identical to the trademark registered by the Complainant to protect its rights in the book. The Respondent has set up a website at the disputed domain name which prominently displays the image of the Complainant's book and the textual components of the Complainant's trademark with a ® sign next to them, while claiming the copyright on the website.

The Respondent has not denied the allegations of the Complainant or disputed the evidence submitted by it; it has not provided any plausible explanation for its actions but has only stated its consent with the transfer of the disputed domain name to the Complainant.

In these circumstances, the Panel concludes that it is more likely than not that by registering and using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's THE HOLISTIC GUIDE TO WELLNESS trademark as to the source or to the endorsement by the Complainant of its website and of the products offered for sale there. This supports a finding of registration and use in bad faith under paragraph 4(b)(iv) of the Policy.

The Respondent has recently been found to have acted in bad faith against the Complainant in two other proceedings under the Policy - *Global Brother SRL v. Volodymyr Makhynia*, WIPO Case No. [D2025-4121](#) and *Global Brother SRL v. Volodymyr Makhynia*, WIPO Case No. [D2025-4247](#). These two disputes involved facts that are similar to the facts in the present proceeding, since there, the Respondent had sought to impersonate the Complainant and exploit its trademarks and reputation to sell unauthorized copies of another of the Complainant's books. This shows that the Respondent has engaged in a pattern of conduct targeting the Complainant, which supports a finding of bad faith under paragraph 4(b)(ii) of the Policy.

The Panel therefore 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 <theholisticguidetowellness.store> be transferred to the Complainant.

*/Assen Alexiev/*

**Assen Alexiev**

Sole Panelist

Date: December 26, 2025