ADMINISTRATIVE PANEL DECISION

Sack Consulting Inc. v. Zia Ahmed, Valentina Vorovska, Pricer Zachary, Clark Hannah Katie, Ronald Sanchez
Case No. D2026-2321

1. The Parties

The Complainant is Sack Consulting Inc., United States of America ("United States"), represented by Nelson Mullins Riley & Scarborough, LLP, United States.

The Respondents are Zia Ahmed, United States, Valentina Vorovska, Germany, Pricer Zachary, United States, Clark Hannah Katie, United States, and Ronald Sanchez, United States.

2. The Domain Names and Registrar

The disputed domain names <resiliaoiloforegano.org>, <resiliaoiloforeganoshop.com>, <resiliaoiloforeganoshop.online>, <resiliaoiloforegano.store>, <resiliasupps.com>, and <theresilia.shop> are registered with Dynadot Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 29, 2026. On May 29, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On May 30, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Unknown) and contact information in the Complaint.

The Center sent an email communication to the Complainant on June 1, 2026, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on June 3, 2026.

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 Respondents of the Complaint, and the proceedings commenced on June 8, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 28, 2026. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on June 29, 2026.

The Center appointed Mladen Vukmir as the sole panelist in this matter on July 8, 2026. 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 Sack Consulting Inc., a California, United States, corporation founded in 2024. It operates in the online health and nutritional supplements market, offering oil of oregano dietary supplements under the RESILIA brand.

The Complainant has filed two United States trademark applications, namely the word mark RESILIA, United States Trademark Application Serial No. 99402158, filed on September 19, 2025, claiming first use in commerce on September 1, 2024, in International Class 5, and the composite mark RESILIA OIL OF OREGANO, United States Trademark Application Serial No. 99471759, filed on October 30, 2025, likewise claiming first use in commerce on September 1, 2024, in International Class 5 (the latter with a disclaimer of the words "OIL OF OREGANO"). Both applications were approved for publication and published on May 19, 2026, but have not proceeded to registration, a third party having obtained an extension of time to oppose. Accordingly, in the present proceeding, the Complainant relies on alleged unregistered common law trademark rights in the RESILIA mark arising from its use in commerce since September 1, 2024 (the "RESILIA mark").

The Complainant operates its e-commerce platform through the domain name <resilia.shop>, registered on August 31, 2024. The Wayback Machine confirms that the Complainant's website was operational under that domain name from the date of registration.

According to the Declaration submitted with the amended Complaint, since the launch of the RESILIA brand the Complainant has spent on average approximately USD 2.8 million per month on marketing and advertising, has sold on average approximately 73,500 units of RESILIA branded supplements per month generating average monthly revenues of approximately USD 4.6 million, and its website has attracted on average over 1.1 million visitors per month, alongside an active social media presence.

The six disputed domain names were all registered via the Registrar, between February and April 2026: <resiliaoiloforegano.org> on February 20, 2026; <resiliasupps.com> on March 8, 2026; <resiliaoiloforeganoshop.com> and <resiliaoiloforeganoshop.online> on April 4, 2026; <theresilia.shop> on April 17, 2026; and <resiliaoiloforegano.store> on April 25, 2026 — all post-dating the Complainant's first use of the RESILIA mark. Following registrar verification, five nominally distinct registrants were disclosed: Zia Ahmed (for <resiliaoiloforeganoshop.com> and <resiliaoiloforeganoshop.online>), Valentina Vorovska (for <resiliaoiloforegano.org>), Pricer Zachary (for <resiliaoiloforegano.store>), Clark Hannah Katie (for <resiliasupps.com>), and Ronald Sanchez (for <theresilia.shop>). At the time of filing, <resiliaoiloforegano.store> and <theresilia.shop> resolved to active e-commerce websites reproducing the Complainant's product branding and imagery and displaying purported consumer testimonials. The disputed domain names <resiliaoiloforegano.org> and <resiliasupps.com> had previously hosted similar websites that were taken down following DMCA enforcement action. The disputed domain names <resiliaoiloforeganoshop.com> and <resiliaoiloforeganoshop.online> did not resolve to active websites at the time of filing.

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 names.

Notably, the Complainant contends that:

(i) it has established common law rights in the RESILIA mark through substantial and continuous use since September 2024, corroborated by the Declaration, and further evidenced by two pending USPTO trademark applications that have been approved for publication;

(ii) the disputed domain names are each confusingly similar to the RESILIA mark, as each incorporates the mark in its entirety together with terms descriptive of or directly associated with the Complainant's products, namely "oil of oregano", "supps" (for supplements), and "shop";

(iii) the Respondents have no rights or legitimate interests in the disputed domain names, having no authorization from the Complainant and having used the disputed domain names to host copycat impersonation websites or to warehouse domain names bearing the Complainant's mark; and

(iv) the disputed domain names were registered and used in bad faith, as part of a concerted and coordinated scheme to impersonate the Complainant, trade on its goodwill, and potentially harvest consumer information under false pretenses, with all registrations post-dating the Complainant's first use of the RESILIA mark.

B. Respondents

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

6. Discussion and Findings

6.1. Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.11.2.

As regards common control, the Panel notes that all six disputed domain names were registered with the same Registrar within a period of approximately nine weeks; that two nominally distinct registrants — Pricer Zachary and Clark Hannah Katie — share an effectively identical postal address in Sheridan, Wyoming, United States, and registered email addresses sharing the distinctive string "maleistung", indicating a common actor behind those registrations; that all six disputed domain names are associated with Cloudflare services, four employing Cloudflare name servers according to the WhoIs records and the remaining two being masked by Cloudflare according to the hosting look-ups, in a consistent infrastructure pattern; and that some of the disputed domain names resolved to active websites operated as similar storefronts reproducing the Complainant's RESILIA branding, reflecting a uniform modus operandi across the portfolio; and that the disputed domain names follow a common naming pattern combining the RESILIA mark with terms related to the Complainant's products. Taken in their totality, these circumstances satisfy the Panel, on the balance of probabilities, that the disputed domain names are subject to common control. The Panel further draws an adverse inference from the Respondents' collective failure to participate and offer any innocent explanation. WIPO Overview 3.1, section 4.3.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

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 names. WIPO Overview 3.1, section 1.7.

The Complainant does not hold registered trademark rights. However, UDRP panels have consistently held that unregistered or common law trademark rights may satisfy the requirements of paragraph 4(a)(i) of the Policy where the complainant demonstrates that its mark has become a distinctive identifier associated with its goods or services. WIPO Overview 3.1, section 1.3. In the present case, the RESILIA mark is a coined term with inherent distinctiveness. Its use in commerce is confirmed from September 1, 2024 by independent Wayback Machine records and corroborated by USPTO proceedings in which two applications were approved for publication following examination, noting that a pending trademark application does not by itself establish trademark rights. The Complainant has further submitted evidence of the duration and nature of its use of the mark and of its sales, advertising expenditure, website traffic, and social media presence, as summarized in Section 4 above, which the Panel finds sufficient to demonstrate that the mark has acquired distinctiveness. While the Panel notes an evident clerical error in paragraph 13 of the supporting declaration, which refers to an unrelated company, the Panel accepts the declaration evidence in light of the corroborating record. Most tellingly, the Respondent's own conduct — constructing multiple websites precisely reproducing the Complainant's RESILIA branding, product imagery, and consumer-facing content — is itself compelling circumstantial evidence that the mark had achieved sufficient market recognition to attract the attention of bad-faith actors prior to the registration of the disputed domain names. The Panel accordingly finds that the Complainant has established unregistered trademark rights in the RESILIA mark, and thereby has shown rights in respect of a trademark or service mark, for the purposes of the Policy. WIPO Overview 3.1, section 1.3.

The entirety of the RESILIA mark is recognizable within each of the disputed domain names. The addition of other terms — "oiloforegano", "supps", "shop", "the" — does not prevent a finding of confusing similarity. The generic Top-Level-Domains ("gTLDs") are generally disregarded for the purposes of assessing confusing similarity. WIPO Overview 3.1, sections 1.8, and 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 that 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 3.1, 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 names. 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 names such as those enumerated in the Policy or otherwise. The Complainant has not authorized the Respondent to use the RESILIA mark. There is no indication that any of the Respondent was commonly known by any of the disputed domain names. Panels have held that the use of a domain name for illegitimate activity, here, claimed passing off, can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

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 that all six disputed domain names were registered after the Complainant's first use of the RESILIA mark and incorporate that mark in full alongside terms specific to the Complainant's product category. The content hosted at those disputed domain names that resolved to active websites demonstrates unequivocally that the Respondent was aware of the Complainant at the time of registration: the websites reproduced the Complainant's product presentation and imagery and displayed purported consumer testimonials in a manner designed to mislead Internet users into believing they were transacting with or through an authorized channel of the Complainant, falling squarely within paragraph 4(b)(iv) of the Policy. The previous operation of similar websites at two further disputed domain names, dismantled only following DMCA enforcement action, reinforces this finding.

Panels have held that the use of a domain name for illegitimate activity, here claimed passing off, constitutes bad faith. WIPO Overview 3.1, section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names constitutes bad faith under the Policy. As regards the disputed domain names <resiliaoiloforeganoshop.com> and <resiliaoiloforeganoshop.online>, which have not resolved to active websites, the Panel finds that the doctrine of passive holding does not prevent a finding of bad faith in circumstances where the Respondent's awareness of the Complainant is manifest, the disputed domain names form part of a coordinated infringing portfolio, and no plausible legitimate use is conceivable. WIPO Overview 3.1, section 3.3. The Panel further draws adverse inference from the Respondent's failure to participate in the present proceeding, where an explanation was certainly called for. WIPO Overview 3.1, section 4.3.

The Panel finds that the disputed domain names were registered and are being used in bad faith, and 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 names <resiliaoiloforegano.org>, <resiliaoiloforeganoshop.com>, <resiliaoiloforeganoshop.online>, <resiliaoiloforegano.store>, <resiliasupps.com>, and <theresilia.shop> be transferred to the Complainant.

/Mladen Vukmir/
Mladen Vukmir
Sole Panelist
Date: July 22, 2026