ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

Sack Consulting Inc. v. Oumar Mahamat, Resilia, Simelane Sisekelo, Blissal
Case No. D2026-2349

1. The Parties

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

The Respondents are Oumar Mahamat, Resilia, South Africa, and Simelane Sisekelo, Blissal, New Zealand.

2. The Domain Names and Registrar

The disputed domain names <getresilia.co> and <tryresilia.store> are registered with Tucows Domains Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 30, 2026. On June 1, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On June 1, 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 (Redacted for Privacy) and contact information in the Complaint.

The Center sent an email communication to the Complainant on June 3, 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.[1]

The Center verified that the Complaint together with the amended Complaint satisfied the formal

[1] The Complainant has removed two domain names from the Complaint upon receipt of the Center's notice of multiple underlying registrants.

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 15, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 5, 2026. The Respondents did not submit any response. Accordingly, the Center notified the Respondents’ default on July 10, 2026.

The Center appointed Rebecca Slater as the sole panelist in this matter on July 17, 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 a US company that operates an online health and nutritional supplements business. One of the Complainant’s principal products is its RESILIA oil of oregano supplement. The Complainant’s RESILIA products are sold through the website at the Complainant’s <resilia.shop> domain name (registered August 31, 2024).

The Complainant also markets its RESILIA products through social media platforms including TikTok, Instagram, YouTube, and Facebook. Since launching the RESILIA brand, the Complainant has averaged approximately 73,500 units sold and USD 4.5 million in sales revenue per month.

The Complainant has filed US Trade Mark Application No. 99402158 for the RESILIA word mark (filed September 19, 2025, published May 19, 2026) (the “Trade Mark”). The Complainant contends that it has used the Trade Mark in commerce in the US since at least September 1, 2024, and provided a statutory declaration in relation to same. The Complainant has also filed US Trade Mark Application No. 99471759 for RESILIA OIL OF OREGANO word mark (filed October 30, 2025, published May 19, 2026).

The Respondents did not submit a response, and, consequently, little information is known about the Respondents. For reasons explained below, the Respondents are collectively referred to hereafter as “the Respondent”, unless it is necessary to refer to them separately.

The disputed domain name <tryresilia.store> was registered on March 4, 2026, and the disputed domain name <getresilia.co> was registered on May 10, 2026. At the time of filing, both disputed domain names resolved to active websites that appeared to offer RESILIA branded products for sale. The website at the disputed domain name <getresilia.co> featured images of the Complainant’s product.

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:

- The disputed domain names are confusingly similar to the Trade Mark. The Trade Mark is entirely reproduced within each disputed domain name, and the inclusion of additional terms (being “try” and “get”) does not prevent, and in fact enhances, a finding of confusing similarity. This is because the terms create the impression that RESILIA products can be obtained at the associated websites.

- The Respondent has no rights or legitimate interests in the disputed domain names. The Respondent is not commonly known by the Trade Mark or the disputed domain names, has not been authorized to use the Trade Mark, and is not a licensee of the Trade Mark. The disputed domain names carry a high risk of implied affiliation with the Complainant given their confusing similarity to the Trade Mark. The Respondent's use of the disputed domain names to operate websites which impersonate the Complainant, and potentially harvest visitors' personal information, is illegitimate and can never confer rights or legitimate interests.

- The disputed domain names were registered and are being used in bad faith. The Trade Mark is highly distinctive and has garnered substantial notoriety since 2024, and that the Respondent knew or should have known of the Complainant's rights when the Respondent registered the disputed domain names. The Respondent is relying on initial interest confusion to divert Internet traffic to the disputed domain names. The Respondent's use of the disputed domain names for impersonation/passing off is further evidence of bad faith registration and use.

B. Respondents

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

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:

- the disputed domain names are identical or confusingly similar to a trade mark or service mark in which the Complainant has rights;

- the Respondent has no rights or legitimate interests in respect of the disputed domain names; and

- the disputed domain names have been registered and are being used in bad faith.

The onus of proving these elements is on the Complainant.

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:

- the Respondents have not contested the Complainant's assertion that the disputed domain names are under common control;

- the disputed domain names are registered with the same Registrar and were registered approximately two months apart;

- the disputed domain names share the same name servers;

- the disputed domain names are associated with the same telephone number; and

- as at the time of the Complaint, the websites at both disputed domain names resolved to active websites that appeared to offer RESILIA branded products for sale.

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 trade mark and the disputed domain name. WIPO Overview 3.1, section 1.7.

The Complainant does not have registered trademark rights in respect of its RESILIA brand. A pending trademark application does not by itself establish trademark rights within the meaning of UDRP paragraph 4(a)(i). WIPO Overview 3.1, section 1.1.4.

However, the Complainant has shown common law rights in a trademark or service mark for purposes of the Policy. WIPO Overview 3.1, section 1.3. The evidence demonstrates acquired distinctiveness in RESILIA, including the duration and nature of the Trade Mark's use, social media presence and engagement, sales made before registration of the disputed domain names, and the nature, extent, and cost of advertising over the relevant period.

The Panel finds the Trade Mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the Trade Mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

Although the addition of other terms (here, "try" and "get") 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 names and the Trade Mark for the purposes of the Policy. WIPO Overview 3.1, 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 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 Trade Mark and there is no evidence that the Respondent is commonly known by the disputed domain names.

The evidence provided by the Complainant indicates that the disputed domain names have been used to either: (i) passing off the Complainant and its business; or (ii) create the incorrect impression that the Respondent is affiliated with the Complainant. In the circumstances of this case, the fact that the Respondent registered the disputed domain name <tryresilia.store> using the Complainant's brand name "Resilia" as the organization name further indicates an attempt to pass off or suggest an affiliation with the Complainant where none exists. 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.

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 3.1, section 3.2.1.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names constitutes bad faith under the Policy.

The disputed domain names were clearly registered with knowledge of the Complainant and the Trade Mark, given the composition of the disputed domain names and the content of the websites at the disputed domain names (particularly the website at the <getresilia.co> disputed domain name, which featured images of the Complainant's product). This supports a finding that the Respondent has registered the disputed domain names to attract, for commercial gain, Internet users to its websites by creating a likelihood of confusion with the Trade Mark. WIPO Overview 3.1, section 3.1.4.

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.

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 names <getresilia.co> and <tryresilia.store> be transferred to the Complainant.

/Rebecca Slater/
Rebecca Slater
Sole Panelist
Date: July 28, 2026