ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Naked Whey, Inc. v. 和平 白 (Heping Bai)
Case No. D2026-3420

1. The Parties

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

The Respondent is 和平 白 (Heping Bai), Hong Kong, China.

2. The Domain Name and Registrar

The disputed domain name <nkednutritionprime.shop> 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 July 31, 2026. On August 4, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 6, 2026, 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 August 6, 2026, 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 August 14, 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 Respondent of the Complaint, and the proceedings commenced on August 17, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 6, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 8, 2026.

The Center appointed David Stone as the sole panelist in this matter on September 16, 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 producer of nutritional and dietary supplements, including protein supplements.

The Complainant owns, among others, the following trademarks for NAKED NUTRITION (the "Mark"):

- United States trademark registration no. 5304095, registered on October 10, 2017, in international class 5;
- European Union trademark registration no. 017323321, registered on April 18, 2018, in international class 5; and
- Canadian trademark registration no. TMA1247457, registered on July 29, 2024, in international class 5.

The Complainant also owns the registered trademarks for NAKED, such as United States trademark registration no. 5900057, registered on November 5, 2019, in international class 5.

The Complainant has also used the domain name <nakednutrition.com> for over a decade.

The disputed domain name was created on June 24, 2026. The Complainant has provided evidence that the Respondent previously hosted at the disputed domain name a website that: (i) displayed as the homepage a close copy of the Complainant's official homepage; (ii) used the Complainant's NAKED trademark, as the Complainant does, on the top left-hand corner of the website; (iii) purported to sell identical products; and (iv) adopted typography that was at least similar to the Complainant's typography. At the date of the Decision, the disputed domain name returns a holding page reading "This store is currently unavailable".

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.

Under the first element, the Complainant contends that the disputed domain name is confusingly similar to the Mark because it consists of a typosquatted variation of the Mark. The disputed domain name omits the letter "a" from NAKED and adds "prime" after NUTRITION but, when viewed as a whole, the disputed domain name is confusingly similar to the Mark, including because it has a highly similar sound, meaning and commercial impression.

Under the second element, the Complainant contends that the Respondent plainly had actual knowledge of the Complainant and its Mark and that this is evidenced by the typosquatted variation of the Complainant's domain name with the addition of the term "prime", replication of the Complainant's website appearance and offering products under names that are the same as, or substantially similar to, those used by the Complainant. The Complainant has never authorized the Respondent to use its marks.

Under the third element, the Complainant contends that the Mark is well known as a result of widespread use over more than 10 years. The Complainant also contends that the Respondent has reproduced the Complainant's branding, website appearance, product naming conventions, and product identifiers in a deliberate effort to impersonate the Complainant and pass itself off as the Complainant. The Complainant

says that the Respondent used the Mark to attract users to this Respondent's website for commercial gain based on consumer confusion as to the Complainant's sponsorship, affiliation, or endorsement of the Respondent's website.

B. Respondent

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

6. Discussion and Findings

Section 4.3 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1") states that failure to respond to a complainant's contentions would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true. Thus, although in this case the Respondent has failed to respond to the Complaint, the burden remains with the Complainant to establish the three elements of paragraph 4(a) of the Policy by a preponderance of the evidence.

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 3.1, section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The Panel finds the Mark is recognizable within the disputed domain name. A domain name which consists, as here, of a variation of a trademark (typically a common, obvious, or intentional misspelling, referred to as typosquatting) is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. Accordingly, the disputed domain name is confusingly similar to the Mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7 and section 1.9.

Although the addition of other terms here, "prime", 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 3.1, 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 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.

Further, the website to which the disputed domain name resolved did not appear to fall under the safeguards of fair use envisioned under section 2.8 of the WIPO Overview 3.1, given there was no prominent disclaimer on the website as to the lack of the Respondent's association with the Complainant.

Furthermore, panels have held that the use of a domain name for illegitimate activity here, claimed passing off and a copycat site, 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 the Respondent registered the disputed domain name, which is confusingly similar for the reasons already given, and previously hosted at the disputed domain name a website that: (i) displayed as the homepage a close copy of the Complainant's official homepage; (ii) used the Complainant's NAKED trademark, as the Complainant does, on the top left-hand corner of the website; (iii) purported to sell identical products; and (iv) adopted typography that was at least similar to the Complainant's typography.

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.

Panels have found that evidence of a respondent seeking to cause confusion supports a finding that a respondent has registered a domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark. WIPO Overview 3.1, section 3.1.4.

The Panel finds that the nature of the disputed domain name (noting Internet users may not notice the subtle misspelling of the Mark) and the content of the website previously displayed at the disputed domain name indicate that the Respondent intended to confuse and thereby attract Internet users to its website for commercial gain.

Further, panels have held that the use of a domain name for illegitimate activity here, claimed passing off and a copycat site 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 name constitutes bad faith under the Policy.

Furthermore, the Respondent has not attempted to refute any of the Complainant's contentions, which casts additional doubt on the nature of its conduct. WIPO Overview 3.1, section 3.2.1.

Having reviewed the record, the Panel concludes that the actions of the Respondent in choosing the disputed domain name were aimed at attracting, for commercial gain, Internet users by creating a likelihood of confusion with the Mark. The Panel therefore concludes that the disputed domain name was registered and is being used in bad faith. The fact that the disputed domain name currently returns a holding page does nothing to obviate this finding.

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 <nkednutritionprime.shop> be transferred to the Complainant.

/David Stone/
David Stone
Sole Panelist
Date: September 29, 2026