

ADMINISTRATIVE PANEL DECISION

SoletLuna Holdings, Inc. and LifeWave, Inc. v. Melvin Watson, Mainnet Domains

Case No. D2024-4336

1. The Parties

The Complainants are SoletLuna Holdings, Inc. and LifeWave, Inc., United States of America (“United States”), represented by ARC IP Law, P.C, United States.

The Respondent is Melvin Watson, Mainnet Domains, United States, internally represented.

2. The Domain Name and Registrar

The disputed domain name <lifewave.health> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 22, 2024. On October 22, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 22, 2024, 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 and contact information in the Complaint. The Center sent an email communication to the Complainants on October 23, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on October 29, 2024.

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 November 1, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 21, 2024. The Response was filed with the Center on November 11, 2024. The Complainants requested the suspension of the proceedings for settlement negotiations on November 17, 2024. Consequently, the Notification of Suspension was sent to the Parties on November 20, 2024, and an extension of the suspension period was granted on December 21, 2024.

The Proceeding was reinstated on January 21, 2025.

The Center appointed Evan D. Brown as the sole panelist in this matter on January 23, 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.

On February 11, 2025, the Panel issued a Procedural Order that requested further information from the Respondent regarding, among other things, its purported business entities and its asserted publishing efforts described in the Response and extended the due date for the decision until March 4, 2025. The Respondent responded to the Procedural Order on February 12, 2025. The Complainant did not respond substantively to the information the Respondent provided in response to the Procedural Order.

4. Factual Background

The Complainant SoletLuna Holdings, Inc. owns the mark LIFEWAVE and has granted a license to the Complainant LifeWave, Inc. to use and enforce the mark (hereinafter both are referred to as “the Complainant”). The Complainant is in the business of providing non-transdermal adhesive patches. Variations of the LIFEWAVE mark are subject to registration in approximately a dozen jurisdictions around the world. See, for example, United States Reg. Nos. 4,841,450 and 5,285,572, registered on October 27, 2015 and September 12, 2017, respectively. Additionally, the Complainant assert common law rights in the LIFEWAVE mark arising from approximately 19 years of use in commerce and investment of time, energy, and resources to develop and maintain the mark.

According to the WhoIs information, the disputed domain name was registered on August 12, 2024. As of the filing of the Complaint, the the disputed domain name resolved to a GoDaddy page offering the disputed domain name for sale for USD 100,000.

5. Parties’ Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant’s trademark; that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

B. Respondent

The Respondent asserts that it registered the disputed domain name for use with its upcoming literary project titled “Life Wave – A Surfer’s Journey to Better Health”, focused on wellness and lifestyle. To seek to substantiate this claim, the Respondent submitted mockups of a book cover and documentation purportedly showing acquisition of an ISBN number associated with this work. In reply to the Procedural Order, the Respondent asserts that it obtained the ISBN number for the work on March 13, 2021, with a partially redacted document purportedly containing screen captures of various account information, order history, and invoices associated with the creation of the ISBN.

6. Discussion and Findings

A. Identical or Confusingly Similar

This first element functions primarily as a standing requirement. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.7. 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. *Id.* This element requires the Panel to consider two issues: first, whether the Complainant has rights in a relevant mark; and second, whether the disputed domain name is identical or confusingly similar to that mark.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. See *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#). The Complainant has demonstrated its rights in the LIFEWAVE mark by providing evidence of its trademark registrations. See [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain name incorporates the LIFEWAVE mark in its entirety. This is sufficient to establish confusing similarity under the Policy. It is standard practice when comparing a disputed domain name to a complainant's trademark to disregard the extension. See [WIPO Overview 3.0](#) at section 1.11.1 ("The applicable Top-Level Domain ('TLD') in a domain name (e.g., '.com', '.club', '.nyc') is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.").

Accordingly, the Panel finds that the Complainant has established this first element under the Policy.

B. Rights or Legitimate Interests

The Panel evaluates this element of the Policy by first looking to see whether the Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainant makes that showing, the burden of production of demonstrating rights or legitimate interests shifts to the Respondent (with the burden of proof always remaining with the Complainant). See [WIPO Overview 3.0](#), section 2.1; *AXA SA v. Huade Wang*, WIPO Case No. [D2022-1289](#).

The Complainant's assertions under this element are meager. The Complainant emphasizes the strength of its marks and asserts that the Respondent has targeted the Complainant. The Complainant asserts that the Respondent is not "making a legitimate non-commercial or fair use of the disputed [d]omain [n]ame." But that is the full extent of the assertion – it does not provide any detail for this conclusion nor present any evidence to support it.

The Panel finds that the Complainant has failed to meet its burden in showing that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant has not addressed any of the typical circumstances that might demonstrate a respondent's lack of rights or legitimate interests under paragraph 4(c) of the Policy, such as: (i) whether the Respondent has been commonly known by the disputed domain name; (ii) whether the Respondent holds any trademark rights corresponding to the disputed domain name; (iii) whether the Respondent is using or has made demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services; or (iv) whether the Respondent has been granted a license by the Complainant or has any business relationship with the Complainant that would authorize use of the mark. A mere conclusory statement, without supporting evidence or explanation, does not satisfy the Complainant's burden under the second element of the Policy. Moreover, the Panel notes that the disputed domain name is composed of two dictionary terms, and while the Complainant's trademark may have some reputation in its field, the Complaint has failed to show targeting of the Complainant's mark.

The Respondent, for its part, has asserted that it intends to use the disputed domain name in connection with a literary project titled "Life Wave – A Surfer's Journey to Better Health." While the Panel has doubts about the credibility of the evidence submitted to support this claim – including undated book cover mockups and unclear ISBN documentation – the burden of proof nevertheless remains with the Complainant throughout these proceedings. Given that the Complainant did not satisfy its burden, the Panel need not evaluate the veracity of the Respondent's evidence in detail.

The decision is not an easy one because the disputed domain name was being offered for sale for USD 100,000, which certainly raises questions about the Respondent's intent. However, the Policy places the burden of proof squarely on the Complainant to establish all three required elements. Having failed to satisfy its burden on the second element, the Complainant cannot prevail in this proceeding regardless of any suspicions about the Respondent's true intent.

This Panel is not a general domain name court, and the Policy is not designed to adjudicate all disputes of any kind that relate in any way to domain names. *Innovative Research Technology, Inc v. 513 Ventures, LLC*, WIPO Case No. [D2024-2861](#), citing *The Thread.com, LLC v. Jeffrey S. Poploff*, WIPO Case No. [D2000-1470](#). This case may be more justly resolved in a forum where the Complainant may take discovery and cross-examine the Respondent to probe whether the Respondent's evidence is contrived. The UDRP's expedited administrative procedure, while efficient, has inherent limitations in cases such as this.

C. Registered and Used in Bad Faith

Having determined that the second element of the Policy has not been met, the Panel declines to make a determination under this third element.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Evan D. Brown/

Evan D. Brown

Sole Panelist

Date: March 4, 2025