

ADMINISTRATIVE PANEL DECISION

SoletLuna Holdings, Inc. and LifeWave, Inc. v. PAUL RANGI
Case No. D2024-4337

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 PAUL RANGI, United States.

2. The Domain Name and Registrar

The disputed domain name <lifewavepatch.com> 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 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 31, 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 Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 22, 2024.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on November 26, 2024. 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.

The Panel issued Procedural Order Number 1 on December 19, 2024, noting that the disputed domain name was created before it appears on this record that the Complainants launched a “LifeWave” business. The Procedural Order requested further evidence from the Parties, if any, concerning this issue. The Complainant submitted a reply on December 24, 2024, and the Respondent submitted an objection on December 20, 2024.

4. Factual Background

According to the Complaint, the Complainants have produced and marketed health and wellness products since 2004 including an adhesive LIFEWAVE skin patch designed to reflect infrared light into specific areas of the body. In reply to the Panel’s Procedural Order, the Complainant furnished a screenshot dated December 1, 2003, from the Internet Archive’s Wayback Machine showing that a predecessor company, LifeWave Products, LLC of Suwanee, Georgia, United States, previously sold the product branded as a “LifeWave patch” on its website at “www.thelifewave.com”. The Complainant also furnished documentation showing that LifeWave Products, LLC was merged into LifeWave Consolidation Corporation and then renamed to become the Complainant LifeWave, Inc., a Georgia corporation which operates the Complainant’s current website at “www.lifewave.com”. The Complainant SoletLuna Holdings, Inc., another Georgia corporation, is the affiliated entity that holds the relevant trademarks and, according to the Complaint, licenses LifeWave, Inc. to use them. Both corporations are headquartered in San Diego, California, United States.

Because of the affiliation of the two Complainants and the similarity of their interests in the marks at issue, the Panel accepts the Complaint as filed and refers to the Complainants hereafter collectively as the “Complainant”, except where otherwise indicated.

The Complainant holds relevant LIFEWAVE word or figurative trademark registrations including the following:

Mark	Jurisdiction	Registration Number	Registration Date	Goods or Services
LIFEWAVE (figurative)	International (multiple designations)	1279038	September 9, 2015	International Classes 3, 5, 10, 35
LIFEWAVE (word and design)	United States	4841450	October 27, 2015	International Classes 5, 10, 35
LIFEWAVE (standard characters)	United States	5285572	September 12, 2017	International Class 10

The Registrar reports that the disputed domain name was created on February 7, 2004, and is registered to the Respondent Paul Rangj, listing no organization, a postal address in the State of Washington, United States, and a Gmail contact email address.

It appears that the disputed domain name has never been used for a developed website. At the time of this Decision, the disputed domain name resolves to a landing page and a single linked page, both hosted by the Registrar, the latter page indicating that the disputed domain name is not currently available. These pages do not present third-party advertising links. Previously, the disputed domain name resolved to a landing page hosted by an affiliate of the Registrar soliciting offers to purchase the disputed domain name. The Panel notes that the Internet Archive’s Wayback Machine has archived screenshots associated with the

disputed domain name going back to 2004, showing various versions of the Registrar's landing page with pay-per-click ("PPC") third-party links including those advertising wellness products, as well as articles about multilevel marketing programs.

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.

Notably, the Complainant contends that the disputed domain name is identical or confusingly similar to its registered LIFEWAVE and LIVEWAVE and Design marks, which have become "widely known worldwide", and that the Respondent is not making a legitimate non-commercial or fair use of the disputed domain name and intends to target the Complainant based on the strength of its marks. The Complainant argues that the addition of the term "patch" to the Complainant's mark in the disputed domain name adds to the intended confusion, as the Complainant's branded product is an adhesive skin patch. The Complainant contends that the Respondent registered and attempted to sell the disputed domain name in bad faith, targeting the Complainant's strong mark in the health and wellness industry. The Complainant also refers to the concept of "passive holding" of the disputed domain name but mentions this in the context of the first element of the Complaint.

B. Respondent

The Respondent did not respond to the Complaint. However, the Respondent emailed a "Procedural Objection" to the Procedural Order, arguing that the Complainant should not be given a "second chance" to make its case and that the Complaint should simply be dismissed or the Panel removed.

The Center replied that the Panel has discretion to request additional statements or documents under paragraph 10(d) of the Rules. The Respondent did not reply further to the Procedural Order or the Complainant's submission.

6. Discussion and Findings

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 a trademark or service mark (the registered LIFEWAVE marks) for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, "patch") may bear on assessment of the second and third elements, the Panel finds the addition of such a 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 3.0](#), 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 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 Respondent has not, for example, demonstrated that the Respondent is in the business of legitimately trading in domain names that have generic value, or that the Respondent used the disputed domain name for relevant PPC advertising without intent to capitalize on prior knowledge of the Complainant’s business plans or mark.

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. These include registering a domain name similar to a trademark in order to sell it to the trademark owner for a profit, or intentionally attempting to attract Internet users for commercial gain with a domain name confusingly similar to a trademark (paragraphs 4(b)(i) and (iv)). The Complainant has suggested that the Respondent’s listing the disputed domain name for sale is an instance of the former, but in any event the Panel notes that the long-term use of the disputed domain name for PPC advertising represents an instance of the latter. [WIPO Overview 3.0](#), section 3.5.

The third Policy element is conjunctive, requiring bad faith in the registration of the disputed domain name as well as subsequently in its use, and the obvious question on these facts is one of timing. The disputed domain name in this instance was registered on February 7, 2004, shortly after the Complainants’ predecessor in interest began selling “LifeWave patches” online at “www.the.lifewave.com”. Based on archived screenshots, the Panel notes that this website was already established and had been used up to then to sell the company’s vitamin supplements. The Complainant’s predecessor had no registered trademark rights in LIFEWAVE by the time the disputed domain name was registered, but the mark is not a dictionary term and had already appeared online in connection with the business of the Complainant’s predecessor, advertising “patches”. It is, therefore, unlikely that the Respondent conceived the string “lifewavepatch” independently a few weeks after the Complainant’s predecessor started using it on its “LiveWave” website, advertising a new product. It is more probable that the Respondent registered the disputed domain name in anticipation of the Complainant ultimately trademarking a brand name for the new product. [WIPO Overview 3.0](#), section 3.8.2. In this case, it is the distinctive composition of the disputed domain name and the timing of its registration, closely following on the Complainant’s announcement of the new product, that impels an inference of bad faith registration in anticipation of trademark rights.

Notably, the Respondent objected to the Procedural Order requesting additional evidence from the Parties, but the Respondent did not deny prior awareness of the Complainant or its predecessor or of the “LifeWave patch”. The Respondent did not offer an alternative reason for choosing the disputed domain name.

The Panel finds the third element of the Policy has been established.

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 <lifewavepatch.com> be transferred to the Complainant.

/W. Scott Blackmer/

W. Scott Blackmer

Sole Panelist

Date: January 16, 2025