

ADMINISTRATIVE PANEL DECISION

Maximiliano Brylkin Civolani v. lala mo
Case No. D2024-4862

1. The Parties

The Complainant is Maximiliano Brylkin Civolani, Mexico, represented by Arochi & Lindner, S.C., Mexico.

The Respondent is lala mo, China.

2. The Domain Names and Registrar

The disputed domain names <blife-mex.shop> and <blife-vip.shop> are registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 25, 2024. On November 26, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On November 26, 2024, 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 (Registration Private) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 27, 2024, 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 November 27, 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 29, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 19, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 24, 2024.

The Center appointed José Ignacio San Martín Santamaría as the sole panelist in this matter on January 2, 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.

4. Factual Background

The Complainant's B LIFE brand is well known in Mexico, particularly in the dietary supplements and nutrition industry, with a significant presence on Internet marketplaces and social networks.

The Complainant is the proprietor of several trademark registrations in Mexico including or consisting of B LIFE, particularly Mexican trademark registration 2531610 B LIFE (figurative), filed on April 13, 2022 and registered on April 12, 2023 for products in class 5.

The disputed domain names <blife-vip.shop> and <blife-mex.shop> were registered on August 14, 2024 and September 18, 2024, respectively. The disputed domain name <blife-vip.shop> redirects to the disputed domain name <blife-mex.shop>, which apparently sells B Life products, reproducing the Complainant's trademark and including expressions as "© B Life Company 2025".

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 B LIFE brand is well known in Mexico, particularly in the dietary supplements and nutrition industry. The Complainant owns numerous Mexican trademark registrations for B LIFE, including the one mentioned above.
- The Complainant's trademark and the disputed domain names are identical or confusingly similar, excluding from the addition of the words "vip" and "mex", since "vip" means "very important people" and "mex" only indicates that the online marketplace is directed to the Mexican public.
- The Respondent has no rights or legitimate interests in respect of the disputed domain names and has not used the disputed domain names in a good faith context of offering goods or services.
- The Respondent is impersonating the genuine B LIFE business, using without authorization the trademarks and logos of the Complainant, in addition to including the general design, colour scheme and layout of graphic elements that are being used on its official website, using texts copied therefrom and advertising and offering the exact same B LIFE branded products. It may be concluded that the Respondent is using the disputed domain names to attract Internet users to their scam website for profitable purposes.

As a consequence, the Complainant requests that the disputed domain names be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

Pursuant to paragraph 4(a) of the Policy and 15 of the Rules, the Panel shall grant the remedies requested if the Complainant proves that:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondents have no rights or legitimate interests in respect of the disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

Pursuant to paragraph 4(a) of the Policy and 15 of the Rules, for this purpose the Panel shall decide the Complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable, including UDRP jurisprudence as articulated in WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([WIPO Overview 3.0](#)).

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 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the B LIFE mark is reproduced within the disputed domain names. Accordingly, the disputed domain names are 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, "vip" and "mex" 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 mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

As stated in *Crédit Industriel et Commercial v. Manager Builder, Builder Manager*, WIPO Case No. [D2018-2230](#):

"The disputed domain name incorporates the CIC trademark in its entirety. Numerous UDRP panels have recognized that incorporating a trademark in its entirety can be sufficient to establish that the disputed domain name is at least confusingly similar to a registered trademark (see e.g., *PepsiCo, Inc. v. PEPSI, SRL (a/k/a P.E.P.S.I.) and EMS Computer Industry (a/k/a EMS)*, WIPO Case No. [D2003-0696](#)). Moreover, it has been held in many UDRP decisions and has become a consensus view among panelists (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ('[WIPO Overview 3.0](#), section 1.8), that where the relevant trademark is recognizable within the disputed domain name, the addition of other terms would not prevent a finding of confusing similarity under the first element of the UDRP. Accordingly, the addition of the term 'banks', which even is the English translation of the French term 'banques' as it is reflected in the Complainant's CIC BANQUES trademark, does not avoid the confusing similarity arising from the incorporation of the Complainant's CIC trademark in the disputed domain name."

The Panel therefore finds that the disputed domain names are confusingly similar to the Complainant's B LIFE trademark as provided under paragraph 4(a)(i) of the Policy.

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 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 Respondent’s use cannot be considered as a bona fide offering of goods or services or a legitimate noncommercial or fair use. The Panel notes that both the composition of the disputed domain names and the content of the website carry a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

Panels have held that the use of a domain name for illegitimate activity as impersonation/passing off, or other types of fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), 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 disputed domain names reproduce the Complainant mark and the Respondent’s website apparently sells B LIFE products, reproducing the Complainant’s trademark and logo and including expressions as “© B Life Company 2025”, thus clearly impersonating the Complainant.

According to paragraph 4(b)(iv) of the Policy, registration or use of a domain name will be considered in bad faith when:

“by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other online location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location.”

As mentioned in *Andrey Ternovskiy dba Chatroulette v. Alexander Ochkin*, WIPO Case No. [D2017-0334](#):

“It is clear in the Panel’s view that in the mind of an Internet user, the disputed domain names could be directly associated with the Complainant’s trademark, which is likely to be confusing to the public as suggesting either an operation of the Complainant or one associated with or endorsed by it (see *AT&T Corp.*

v. *Amjad Kausar*, WIPO Case No. [D2003-0327](#).”

As reminded in section 3.1.4 of the [WIPO Overview 3.0](#):

“Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith.”

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 <blife-mex.shop> and <blife-vip.shop> be transferred to the Complainant.

/José Ignacio San Martín Santamaría/

José Ignacio San Martín Santamaría

Sole Panelist

Date: January 16, 2025