

ADMINISTRATIVE PANEL DECISION

Imyoo inc. v. 道华 熊
Case No. D2025-0011

1. The Parties

The Complainant is Imyoo inc., United States of America (United States), represented by Amit Kulkarni, United States.

The Respondent is 道华 熊, China.

2. The Domain Name and Registrar

The disputed domain name <imyoo.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 January 3, 2025. On January 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 3, 2025, 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 (Stone, Netlee.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 6, 2025, 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 amendment to the Complaint on January 6, 2025.

The Center verified that the Complaint together with the amendment to the 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 January 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 27, 2025. The Response was filed with the Center on January 22, 2025.

The Center appointed Warwick A. Rothnie as the sole panelist in this matter on January 27, 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 18, 2025, the Panel issued Administrative Panel Order No 1. In the Response dated January 22, 2025, the Respondent had pointed out that the disputed domain name was registered on October 17, 2007 while the Complainant's IMYOO trademark in the United States, Registered Trademark No. 7197112, was registered on October 17, 2023. In correspondence between the Complainant and the domain broker, NetLee.com, arising from an approach by the broker inquiring whether the Complainant was interested in acquiring the disputed domain name, the Complainant stated on December 8, 2022 "We know [the disputed domain name] was purchased on auction for \$490."¹ In the Panel Order, therefore, the Respondent was invited to clarify the date on which the Respondent became the registrant of the disputed domain name and the Complainant was afforded an opportunity to comment on the submission made by the Respondent, if any.

The Respondent submitted a supplemental filing in response to the Panel Order on February 21, 2025. The Complainant submitted a supplemental filing in reply on March 1, 2025.

4. Factual Background

The Complainant is a public benefit corporation incorporated in the United States. According to the screenshot of the homepage of its website at "www.imyoo.health" included in the Complaint, it is building a patient-enabled biodiscovery platform. It "conducts patient-centric immune discovery studies by enabling patients to self-collect small volumes of blood at home for high-resolution single-cell genomics assays". This apparently enables "precision diagnosis and therapies".

The Complainant is the owner of United States Registered Trademark No. 7197112, IMYOO, which was registered in the Principal Register on October 17, 2023 in respect of a range of medical apparatus in International Class 10, blood analysis services and laboratory research services in the field of gene expression in International Class 42 and a range of healthcare and related advisory services in International Class 44. The application was filed on October 15, 2021 and claims first use in respect of each class on September 7, 2021.

Annex 10 to the Complaint is a print out of a chain of email communications between "Stone" from NetLee and officers of the Complainant which took place between November 22, 2022 and February 20, 2023. Annex 11 includes some further emails but the date on which they occurred is not clear.

"NetLee" is a domain broker and its website lists the disputed domain name as one of a number of "closeout domains" which were (and at the time this decision is being prepared still are) being offered for sale through the website.

The page for the disputed domain name on the "NetLee" website stated under the heading Profile "imyoo.com is reserved for our Future Project".

The chain of communications appears to begin on November 22, 2022 with "Stone" contacting the Complainant, stating that NetLee is the exclusive broker for the disputed domain name and inquiring if the Complainant is interested in it. On receiving a positive response to that inquiry, Stone advised that the seller is looking for USD 150,000. There were some counter offers with various prices being offered on either side.

On December 7, 2022, Stone offered a "buy it now" price of USD 35,000, stating this price was available for one week only. Thereafter, Stone warned that the price would be between USD 350,000 and USD 600,000.

On January 9, 2023, Stone offered a purchase price of USD 5,000 which was open for acceptance for only 48 hours. In February 2023, the offer price rose to USD 9,000.

In the undated exchange partially reproduced in Annex 11, Stone threatened that, if the Complainant was not interested in the disputed domain name, the disputed domain name would be used in a co-operation with Chimeron Bio to "bring us some profit". (According to its website at "www.chimeron.com", Chimeron Bio

¹ Complaint Annex 10, email from the Complainant to "NetLee" on December 8, 2022 at 10:16 am.

develops RNA based therapeutics for use in immune-oncology and cancer therapies.) Stone further explained this was possible “because imyoo.com has high traffic, of course, it is from your users” and, as a result, the Complainant would lose customers because Chimeron Bio would acquire customers from the Complainant.

In the Respondent’s supplemental filing, the Respondent confirmed it had become the registrant of the disputed domain name on November 16, 2022, having paid CNY 3,312.14 (approx. USD 450 or so depending on exchange rate fluctuations).

5. Discussion and Findings

Paragraph 4(a) of the Policy provides that in order to divest the Respondent of a disputed domain name, the Complainant must demonstrate each of the following:

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

Paragraph 15(a) of the Rules directs the Panel to decide the Complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.

A. Identical or Confusingly Similar

The first element that the Complainant must establish is that the disputed domain name is identical with, or confusingly similar to, the Complainant’s trademark rights.

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 proven ownership of the registered trademark for IMYOO identified in section 4 above.

The comparison of the disputed domain name to the Complainant’s trademark simply requires a visual and aural comparison of the disputed domain name to the proven trademarks. This test is narrower than and thus different to the question of “likelihood of confusion” under trademark law. Therefore, questions such as the scope of the trademark rights, the geographical location of the respective parties, the date they were acquired and other considerations that may be relevant to an assessment of infringement under trademark law are not relevant at this stage. Such matters, if relevant, may fall for consideration under the other elements of the Policy. See e.g. [WIPO Overview 3.0](#), section 1.7.

In undertaking that comparison, it is permissible in the present circumstances to disregard the generic Top Level Domain (gTLD) component as a functional aspect of the domain name system. [WIPO Overview 3.0](#), section 1.11.

Disregarding the “.com” gTLD, the disputed domain name is identical to the Complainant’s trademark. Accordingly, the Panel finds that the Complainant has established that the disputed domain name is identical with the Complainant’s trademark and the requirement under the first limb of the Policy is satisfied.

B. Rights or Legitimate Interests

The second requirement the Complainant must prove is that the Respondent has no rights or legitimate interests in the disputed domain name.

Paragraph 4(c) of the Policy provides that the following circumstances can be situations in which the Respondent has rights or legitimate interests in a disputed domain name:

- (i) before any notice to [the Respondent] of the dispute, [the Respondent's] use of, or demonstrable preparations to use, the [disputed] domain name or a name corresponding to the [disputed] domain name in connection with a bona fide offering of goods or services; or
- (ii) [the Respondent] (as an individual, business, or other organization) has been commonly known by the [disputed] domain name, even if [the Respondent] has acquired no trademark or service mark rights; or
- (iii) [the Respondent] is making a legitimate noncommercial or fair use of the [disputed] domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

These are illustrative only and are not an exhaustive listing of the situations in which a respondent can show rights or legitimate interests in a domain name.

While 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 often impossible 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. 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.

The Complainant states that it has not authorised the Respondent to use the disputed domain name. Nor is the Respondent affiliated with it.

The disputed domain name is not derived from the Respondent's name. Nor is there any suggestion of some other name by which the Respondent is commonly known from which the disputed domain name could be derived. From the available record, the Respondent does not appear to hold any trademarks for the disputed domain name.

There are circumstances where merely registering a domain name and offering it for sale may qualify as conferring rights or legitimate interests under the Policy. See e.g. [WIPO Overview 3.0](#), sections 2.1 and 2.10. That is not typically the case where the disputed domain name is not comprised of an acronym, dictionary word or common phrase. While “imyoo” can be seen as a combination of two (misspelled English terms), the composite expression does not appear to fall into that category of terms.

The Respondent points out that the disputed domain name was first registered on October 11, 2007, which is long before the Complainant began using its trademark let alone its registration. However, it appears that in fact the Respondent obtained the disputed domain name through an auction process on or about November 16, 2022. In these circumstances, it appears that the Respondent registered the disputed domain name after the Complainant began using the trademark but before the trademark was formally registered.

These matters, taken together, are sufficient to establish a prima facie case under the Policy that the Respondent has no rights or legitimate interests in the disputed domain name.

In rebuttal, the Respondent further points out that the Complainant's trademark is registered in the United States only and further still claims that the disputed domain name was registered for the Respondent's "Future Project".

The global reach of the Internet means that someone outside the territory where a complainant's trademark is registered does not automatically have rights or legitimate interests in a disputed domain name. Whether a respondent has rights or legitimate interests in such circumstances requires consideration of all the circumstances including how the respondent uses, or proposes to use the domain name, the nature of the trademark, the field it is registered and/or used in, the extent of any reputation and potentially many other factors.

As already noted, in the present case the Respondent claims that the disputed domain name has been reserved for a "Future Project". The nature of that project was not explained in the Response. In the supplemental filing, however, the Respondent further claimed that the disputed domain name was acquired "for my project about pet". Apart from the late claim of a project about a pet, the Respondent has not advanced any evidence to demonstrate any preparations for some good faith offering of goods or services or provided any explanation for the failure of the project to develop even though the Respondent acquired the disputed domain name more than two years ago. The claimed "Future Project" is therefore mere assertion. [WIPO Overview 3.0](#), section 2.2. On this basis, the Panel would not be prepared to accept the Respondent's claims of rights or legitimate interests.

The failure of the Respondent's claims is only reinforced when account is taken of NetLee's attempts to sell the disputed domain name to the Complainant. The Respondent does deny any involvement in NetLee's conduct. The Panel addresses this issue in the context of the requirement of registration and use of the disputed domain name in bad faith below.

The Panel also notes that the claimed Future Project about a pet does not provide any obvious connection with the phrase "imyoo".

In these circumstances and in light of the matters discussed in Section 5C below, the Panel is not prepared to accept the Respondent's claim that the Respondent registered the disputed domain name for a Future Project about "pet" or a pet. Accordingly, the Respondent has not rebutted the prima facie case established by the Complainant and the Panel finds the Complainant has established the second requirement under the Policy also.

C. Registered and Used in Bad Faith

Under the third requirement of the Policy, the Complainant must establish that the disputed domain name has been both registered and used in bad faith by the Respondent. These are conjunctive requirements; both must be satisfied for a successful complaint: see e.g. *Group One Holdings Pte Ltd v. Steven Hafto* WIPO Case No. [D2017-0183](#).

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

The prices for the disputed domain name which NetLee demanded and the threats to use it in "co-operation" with a presumed competitor of the Complainant provide a very strong basis for concluding that is the case in circumstances where there is no obvious connection between the Respondent and the expression "imyoo".

As noted above, however, the Respondent denies that "NetLee" acted with the Respondent's authority or is in any way associated with the Respondent.

The Panel accepts that there are obvious difficulties for a domain holder to prove it did not authorise a broker to make offers relating to the domain holder's domain name. In the present case, however, a number of factors lead the Panel not to accept the Respondent's claim.

First, the Respondent (at the very least) implies it registered the disputed domain name in 2007 when there is evidence that the disputed domain name was obtained by auction on November 16, 2022. Therefore, the Panel considers it necessary to approach the Respondent's claims cautiously.

Secondly, Stone from "NetLee" appears to have made the first approach to sound out the Complainant's interest on November 22, 2022 – barely one week after the disputed domain name was acquired at auction.

Thirdly, "NetLee's" business model is not to approach the domain holder on behalf of a prospective buyer. Rather, it purports to be offering the domain name for transfer on behalf of the domain holder. If agreement is reached with a prospective buyer, the funds are placed into an account with "www.escrow.com" so that NetLee never receives any payment until the transfer has been effected.

Fourthly, the page on "www.netlee.com" for the disputed domain name states under "Profile" that "imyoo.com is reserve for our Future Project". These are almost the very terms used by the Respondent in the Response in claiming that the disputed domain name was not registered and used in bad faith. The Panel considers it very unlikely that "NetLee" would know this, or use "our Future Project" without the involvement of, or at least some contact with, the Respondent. If the Respondent has received some unsolicited approach from "Netlee", however, the Respondent has not disclosed that.

Further, as noted in section 5B above, there is no obvious connection between the phrase "imyoo" and a project about a pet (even if the Panel had been prepared to accept the Respondent's asserted claim of intended purpose).

In these circumstances, therefore, the Panel is not prepared to accept the Respondent's claim that "Netlee" acted independently of the Respondent and without the Respondent's authority.

The approaches by "Netlee" seeking prices in the hundreds of thousands of United States dollars, or even just several thousands, coupled with a threat to use the disputed domain name in conjunction with a presumed competitor of the Complainant indicate a clear intention to capitalise on the resemblance of the disputed domain name to the Complainant's trademark.

Accordingly, the Panel finds that the Complainant has established that the Respondent has registered and subsequently used the disputed domain name in the circumstances identified in paragraph 4(b)(i):

"circumstances indicating that [the Respondent] has registered or [the Respondent has] acquired the [disputed] domain name primarily for the purpose of selling, renting, or otherwise transferring the [disputed] domain name registration to the Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of [the Respondent's] documented out-of-pocket costs directly related to the [disputed] domain name".

Accordingly, the Complainant has established all three requirements under the Policy.

6. 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 <imyoo.com> be transferred to the Complainant.

/Warwick A. Rothnie/

Warwick A. Rothnie

Sole Panelist

Date: March 5, 2025