

ADMINISTRATIVE PANEL DECISION

Excel Nutritionals LLC v. Artur Solovev
Case No. D2025-1284

1. The Parties

The Complainant is Excel Nutritionals LLC, United States of America (the “U.S.”), represented by Charles Kim, U.S.

The Respondent is Artur Solovev, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <collagencomplete.com> (the “Disputed Domain Name”) is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 29, 2025. On March 31, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On March 31, 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 (Unavailable/Redacted from WHOIS / Redacted for Privacy, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 8, 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 April 10, 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 April 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 9, 2025.

The Center appointed Nick J. Gardner as the sole panelist in this matter on May 15, 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 Complaint contains very little information. The Panel infers that the Complainant is a supplier of health-related products.

The Complainant owns U.S. trademark no. 5660862 for COLLAGEN COMPLETE registered on January 22, 2019. This trademark is referred to as the "COLLAGEN COMPLETE Trademark" in this Decision.

It appears from correspondence sent by the Complainant to the Respondent, and undisputed by the Respondent, that the Complainant was the original registrant of the Disputed Domain Name which was registered on September 9, 2013. At some stage in 2019 the Complainant inadvertently allowed its registration to lapse. The Complainant states in this correspondence that the Respondent acquired the Disputed Domain Name in October 2019 (also undisputed by the Respondent) and since then it has resolved to a website (the "Respondent's Website") which replicates in large measure the previous content of the Complainant's own website which the Disputed Domain Name had previously resolved to. The Respondent's Website bears a copyright notice stating it is "Copyright Excel Nutritionals, LLC dba PhiNaturals".

5. Parties' Contentions

A. Complainant

The Complainant's contentions can be summarized as follows.

The Disputed Domain Name is identical or confusingly similar to the COLLAGEN COMPLETE Trademark.

The Respondent has no rights or legitimate interests in the term "collagen complete".

In consequence the Complainant alleges that the Disputed Domain Name was registered and is being used in bad faith. The Respondent's use of the Disputed Domain Name misleads consumers by falsely implying an association with the Complainant's brand, undermining the Complainant's reputation and goodwill. The presence of unauthorized Complainant-owned content on the Respondent's Website demonstrates intentional bad faith, as it seeks to exploit the Complainant's trademark and mislead users for commercial gain.

B. Respondent

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

6. Discussion and Findings

6.1. Preliminary Matters

The Panel notes that no communication has been received from the Respondent. Under paragraph 10 of the Rules, the Panel is required to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and also that the administrative proceedings take place with due expedition. Since the Respondent's mailing address is stated to be in Ukraine which is subject to an international conflict at the date of this Decision that may impact case notification, it is appropriate for the

Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceedings should continue. Having considered all the circumstances of the case, the Panel is of the view that it should.

The Panel notes that the Center sent the Notification of Complaint and written notice of the Complaint to the Respondent at its email and postal addresses as registered with the Registrar and to a privacy service email address as specified by the Rules. There is no evidence that the case notification email to the mentioned email addresses was not successfully delivered. Postal notification is reported to have arrived in the destination country on April 28, 2025, to have reached its collection point on April 29, 2025, and to have been returned to the sender on June 3, 2025, as it has not been collected by the recipient before the expiry of the collection period.

It is moreover noted that, for the reasons which are set out later in this Decision, the Panel has no serious doubt (albeit in the absence of any Response) that the Respondent registered and has used the Disputed Domain Name in bad faith and with the intention of unfairly targeting the Complainant's goodwill in its trademark. The Panel concludes that the Parties have been given a fair opportunity to present their case, and so that the administrative proceedings take place with due expedition the Panel will proceed to a Decision accordingly.

While the Respondent's failure to file a Response does not automatically result in a decision in favor of the Complainant, the Panel may draw appropriate inferences from the Respondent's default (see, e.g., *Verner Panton Design v. Fontana di Luce Corp.*, WIPO Case No. [D2012-1909](#)).

6.2. Substantive Matters

To succeed, in accordance with paragraph 4(a) of the Policy, the Complainant must satisfy the Panel that:

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

A. Identical or Confusingly Similar

The Complainant has rights in the COLLAGEN COMPLETE Trademark. The Panel finds the Disputed Domain Name is identical or confusingly similar to this trademark. The only difference is the omission of the space between "collagen" and "complete" which is a trivial difference and spaces in any event cannot form part of a domain name.

It is well established that the generic Top-Level Domain ("gTLD"), in this case ".com", does not affect the Disputed Domain Name for the purpose of determining whether it is identical or confusingly similar. See, for example, *Rollerblade, Inc. v. Chris McCrady*, WIPO Case No. [D2000-0429](#).

Accordingly the Panel finds that the Disputed Domain Name is identical to the Complainant's trademark and hence the first condition of paragraph 4(a) of the Policy has been fulfilled.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances any of which is sufficient to demonstrate that a respondent has rights or legitimate interests in a domain name:

(i) before any notice to the respondent of the dispute, use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) the respondent has been commonly known by the 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 domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

None of these apply in the present circumstances. The Complainant has not authorised, licensed, or permitted the Respondent to register or use the Disputed Domain Name or to use COLLAGEN COMPLETE Trademark. The Complainant has rights in the COLLAGEN COMPLETE Trademark which precede the Respondent's acquisition of the Disputed Domain Name. The Complainant has therefore established a prima facie case that the Respondent does not have any rights or legitimate interests in the Disputed Domain Name and thereby the burden of production shifts to the Respondent to produce evidence demonstrating rights or legitimate interests in respect of the Disputed Domain Name (see, for example, *Do The Hustle, LLC v. Tropic Web*, WIPO Case No. [D2000-0624](#), and *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#)).

The Panel finds that the Respondent has failed to produce any evidence to establish his rights or legitimate interests in the Disputed Domain Name. Accordingly, the Panel finds the Respondent has no rights or any legitimate interests in the Disputed Domain Name and the second condition of paragraph 4(a) of the Policy has been fulfilled.

C. Registered and Used in Bad Faith

In the present circumstances the fact that the Disputed Domain Name was linked to the Respondent's Website which impersonated the Complainant's own website leads the Panel to conclude the registration and use were in bad faith. See for example *Webcentral Ltd (ACN 073 716 793) v. Segey*, WIPO Case No. [D2022-1382](#) and the panel's reasoning in that case: "Given the circumstances of the case, in particular the prior registration of the Complainant's trademark MELBOURNE IT, the disputed domain name being identical to the Complainant's trademark, and the website at the disputed domain name being a copy of the Complainant's previous website, it is inconceivable to the Panel that the Respondent registered the disputed domain name without prior knowledge of the Complainant and the Complainant's marks". The Panel considers that the same is true in the present case. The Panel concludes that the Respondent chose to opportunistically acquire the Complainant's lapsed domain name and use it to promote a website which impersonated the Complainant.

Under paragraph 4(b) of the Policy a non-exhaustive list of factors evidencing registration and use in bad faith comprises:

(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the 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 your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line 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.

In the present circumstances the Panel considers that factor (iv) applies as the Respondent was seeking to achieve commercial gain by impersonating the Complainant. The Panel also notes that the Respondent has not filed a Response and hence has not availed himself of the opportunity to present any case of good faith that he might have. The Panel infers that none exists.

Accordingly, the Panel finds that the Disputed Domain Name has been registered and is being used in bad faith and the third condition of paragraph 4(a) of the Policy has been fulfilled.

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 <collagencomplete.com> be transferred to the Complainant.

/Nick J. Gardner/

Nick J. Gardner

Sole Panelist

Date: May 29, 2025