

ADMINISTRATIVE PANEL DECISION

Empower Clinic Services, L.L.C. d/b/a Empower Pharmacy v. Vianie Hash
Case No. D2025-1405

1. The Parties

Complainant is Empower Clinic Services, L.L.C. d/b/a Empower Pharmacy, United States of America ("United States"), self-represented.

Respondent is Vianie Hash, United States.

2. The Domain Name and Registrar

The Disputed Domain Name <empowerpharma.store> is registered with Hostinger Operations, UAB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 4, 2025. On April 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On April 8, 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 (Registrant Unknown) and contact information in the Complaint. The Center sent an email communication to Complainant on April 17, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on April 18, 2025.

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 Respondent of the Complaint, and the proceedings commenced on April 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 14, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on May 20, 2025.

The Center appointed Richard W. Page as the sole panelist in this matter on May 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.

4. Factual Background

Complainant is a PCAB-accredited 503A compounding pharmacy and has a 503B outsourcing facility designed with the FDA's current good manufacturing practices (CGMPs) in mind. Complainant registered and has been using its domain name <empowerpharmacy.com> since its establishment.

Although the official name of Complainant is Empower Clinic Services, L.L.C., it commonly identifies itself as Empower Pharmacy for brevity. The website domain name <empowerpharmacy.com> and Twitter account @EmpowerPharmacy are examples of Complainant being recognized as Empower Pharmacy. Furthermore, Complainant commonly identifies its 503B operations as Empower Pharma. The use of Empower Pharma when referring to 503B operations on the Empower Pharmacy website is an example of Complainant being recognized as Empower Pharma.

Complainant owns United States trademark Registration No. 5,021,918 for EMPOWER PHARMACY which was registered on August 16, 2016, in International Class 35.

Complainant also owns United States trademark Registration No. 5,031,072 for EMPOWER PHARMACY which was registered on August 30, 2016, in International class 35.

Complainant also owns United States trademark Registration No. 7,504,902 for EMPOWER PHARMA which was registered on September 17, 2024, in International class 5.

These registrations and any pending trademark applications shall be collectively referred to as the "EMPOWER Mark".

The Disputed Domain Name was registered on January 8, 2025, and resolves to an illegitimate website which passes itself off as belonging to or being affiliated with Complainant and sells illegal drugs.

5. Parties' Contentions

A. Complainant

Complainant contends that the entirety of the EMPOWER Mark is contained within the Disputed Domain Name and that the use of the ".store" generic Top-Level Domain ("gTLD") only adds to the confusing similarity.

Complainant further contends that Respondent is using Complainant's stylization of the EMPOWER Mark as a banner on its illegitimate website.

Complainant submits that it has no relationship with Respondent and has not authorized Respondent to use the EMPOWER Mark in a domain name or in any other way.

Complainant alleges that Respondent's website allows Internet users to add illegal substances, including MDMA, cocaine, crystal meth, heroin, ketamine and fentanyl to their cart.

Complainant contends that it has satisfied each of the three essential elements required under the Policy for a transfer of the Disputed Domain Name.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute: "A Panel shall decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules, and any rules and principles of law that it deems applicable."

Even though Respondent has failed to file a Response or to contest Complainant's assertions, the Panel will review the evidence proffered by Complainant to verify that the three essential elements of the claims are met. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.3.

Paragraph 4(a) of the Policy directs that Complainant must prove each of the following three essential elements:

- i) that the Disputed Domain Name registered by Respondent is identical or confusingly similar to the EMPOWER Mark in which Complainant has rights; and,
- ii) that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and,
- iii) that the Disputed Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

[WIPO Overview 3.0](#), section 1.2.1 states that registration is prima facie evidence of Complainant having enforceable rights in the EMPOWER Mark.

Complainant has shown rights in respect of the EMPOWER Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

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 EMPOWER Mark and the Disputed Domain Name. [WIPO Overview 3.0](#), section 1.7.

The entirety of the EMPOWER Mark is reproduced within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to the EMPOWER Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here the gTLD ".store", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the Disputed Domain Name and the EMPOWER 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 Respondent may demonstrate rights or legitimate interests in the Disputed Domain Name.

Paragraph 4(c) of the Policy allows three nonexclusive methods for the Panel to conclude that Respondent has rights or a legitimate interest in the Disputed Domain Name:

- (i) before any notice to you [Respondent] of the dispute, your 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) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Disputed Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are 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 EMPOWER Mark.

Although the overall burden of proof in UDRP proceedings is on Complainant, panels have recognized that proving Respondent lacks rights or legitimate interests in the Disputed Domain Name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of Respondent. As such, where Complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the Disputed Domain Name (although the burden of proof always remains on Complainant). If Respondent fails to come forward with such relevant evidence, Complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Disputed Domain Name. Respondent has not rebutted 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.

Panels have held that the use of a domain name for illegitimate activity, here claimed to be the sale of illegal pharmaceuticals can never confer rights or legitimate interests on 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

Paragraph 4(b) of the Policy sets forth four nonexclusive criteria for Complainant to show bad faith registration and use of the Disputed Domain Name:

- (i) circumstances indicating that you [Respondent] have registered or you have acquired the Disputed Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Disputed Domain Name registration to Complainant who is the owner of the EMPOWER Mark or to a competitor of Complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the Disputed Domain Name; or
- (ii) you [Respondent] have registered the Disputed Domain Name in order to prevent the owner of the EMPOWER Mark from reflecting the EMPOWER Mark a corresponding domain name, provided that you have engaged in a pattern of such conduct; or
- (iii) you [Respondent] have registered the Disputed Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, you [Respondent] have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the EMPOWER Mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product on your website or location.

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 the Disputed Domain Name in bad faith.

In the present case, the Panel notes that Respondent's actions satisfy the requirements of paragraph 4(b)(iv) of the Policy.

Panels have held that the use of a domain name for illegitimate activity, here claimed sale of illegal pharmaceuticals, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds Respondent's registration and use of the Disputed Domain Name constitutes bad faith under the Policy.

The Panel finds that 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 Name <empowerpharma.store> be cancelled.

/Richard W. Page/

Richard W. Page

Sole Panelist

Date: June 10, 2025