

ADMINISTRATIVE PANEL DECISION

Everyday Dose, Inc. v. Beyhan Eyup, Primiko Store and Hicham Boutabouzi,
My store

Case No. D2025-2265

1. The Parties

The Complainant is Everyday Dose, Inc., United States of America (“United States”), represented by Pollack Law, P.C, United States.

The Respondents are Beyhan Eyup, Primiko Store, and Hicham Boutabouzi, My store, United Kingdom.

2. The Domain Names and Registrar

The disputed domain names <everydaydose-usa.com>, <everydaydoseus.com>, <everydoseday.com>, and <everydaydose.com> are registered with Tucows Domains Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 11, 2025, concerning the disputed domain name <everydaydose.com>. On June 12, 2025, the Complainant filed an amended Complaint by adding the disputed domain names <everydaydose-usa.com> and <everydaydoseus.com>.

On June 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On June 13, 2025, 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 (Registrant Unknown) and contact information in the Complaint.

The Center sent an email communication to the Complainant on June 16, 2025, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on June 17, 2025, by adding the disputed domain name <everydoseday.com>.

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 July 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 31, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents’ default on August 12, 2025.

The Center appointed Zoltán Takács as the sole panelist in this matter on August 18, 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 in this administrative proceeding is a producer and retailer of high-quality mushroom coffee products.

The Complainant has been featured in reputed publications such as Forbes Magazine and has sizeable online following on various social media outlets, with over 3,000 followers on Tik Tok alone.

The Complainant is the owner of the United States Trademark Registration No. 6181863 on the Supplemental Register for the mark EVERYDAY DOSE with the registration date of October 20, 2020.

The Complainant is also the owner of the domain name <everydaydose.com> (registered on December 3, 2017) which resolves to its primary website.

The disputed domain names which used to resolve to websites confusingly similar to the Complainant’s website were registered on the following dates: <everydaydose.com> on April 27, 2025, <everydaydoseus.com> on June 11, 2025, <everydaydose-usa.com> on June 12, 2025, and <everydoseday.com> on June 14, 2025. The websites at the disputed domain names prominently featured the EVERYDAY DOSE trademark, the Complainant’s signature logo and imagery and purportedly offered for sale the Complainant’s products.

Currently the disputed domain names are inactive.

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 disputed domain names which either omit the letter “r” from the trademark, add terms “us” and “usa” to the trademark or swap the position of the word elements of the trademark are confusingly similar to its trademark;
- the Respondents have no rights or legitimate interests in respect of the disputed domain names since they are unable to rely on any of the circumstances set out in paragraphs 4(c)(i), (ii), or (iii) of the Policy;
- the Respondents knew of the Complainant and its trademark and have registered the disputed domain names confusingly similar to the trademark in order to divert Internet users to their websites.

The Complainant requests that the disputed domain names be transferred from the Respondents to the Complainant.

B. Respondents

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

6. Discussion and Findings

A complainant must evidence each of the three elements required by paragraph 4(a) of the Policy in order to succeed on the complaint, namely that:

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

Consolidation: Multiple Respondents

The amended Complaint was filed in relation to four domain names registered by two different domain name registrants. The Complainant alleges that the domain name registrants are the same entity, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

As regards to common control, the Panel notes that the disputed domain name registrants share the same physical address, hosting, registrar, payment, privacy and redirect infrastructure. As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

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 registered on the USPTO Supplemental Register. Under the Policy, trademark registrations listed solely on the USPTO Supplemental Register must show secondary meaning. [WIPO Overview 3.0](#), 1.2.2. Based on the evidence submitted in the Complaint, the Panel finds that the Complainant has shown the secondary meaning in its trademark, and established its rights in the trademark under the Policy. The fact that the Respondent is shown to have been

targeting the Complainant's trademark (impersonating the Complainant) further supports that the Complainant's trademark has achieved significance as a source identifier. [WIPO Overview 3.0](#), sections 1.3 and 1.15; see also *Klauber and Company Inc. v. 郭瑞媛 (Guo RuiYuan), 武汉煌行网络科技有限公司 (WuHanHuangHangWangLuoKeJiYouXianGongSi)*, WIPO Case No. [D2023-5319](#).

The disputed domain names either omit the letter "r" from the trademark (<everydaydose.com>), add terms "us" or "usa" to the trademark (<everydaydose-usa.com> and <everydaydoseus.com>) or swap the position of the word elements of the trademark (<everydoseday.com>). In each case the disputed domain names contain sufficiently recognizable aspects of the Complainant's EVERYDAY DOSE trademark and are therefore confusingly similar to it for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 1.8.

The Panel finds that 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 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.

According to the documentary evidence submitted by the Complainant the Respondent used the disputed domain names to deceive Internet users looking for the Complainant through directing them to websites confusingly similar to the Complainant's website which prominently featured the EVERYDAY DOSE trademark, the Complainant's signature logo and imagery and purportedly offered for sale the Complainant's products.

There is no indication of any relationship of the Respondent with the Complainant as to the source of the products at issue and the websites at the disputed domain names which implied that the products offered for sale on the Respondent's websites originated with the Complainant.

The Panel notes that there is no evidence as to whether the goods offered on the Respondent's websites at the disputed domain names were counterfeit or "genuine", or whether any of those goods ultimately existed.

The Panel also notes that it is evident that the Complainant has not authorized, licensed, or allowed the Respondent or any third party to use its trademark in the disputed domain names or in any other way that would confer validity or legitimacy upon such use. Consequently, even if the products that appeared on the Respondent's websites under the disputed domain names would have existed and were genuine, the Respondent's websites would still not qualify as fair use. [WIPO Overview 3.0](#), section 2.8.1; *Ok! Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#).

In the Panel's view it is indisputable that the Respondent was impersonating the Complainant by using on its websites at the disputed domain names the Complainant's trademark and imagery. Panels have held that

the use of a domain name for illegal activity, here impersonation/passing off and fraud can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds that the Respondent has no rights or legitimate interests in the disputed domain names and that 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.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names constitutes bad faith under the Policy.

In the present case, the Panel notes that the registration of the Complainant's EVERYDAY DOSE trademark predates the date of registration of the disputed domain names.

The websites at the disputed domain names prominently featured the EVERYDAY DOSE trademark, the Complainant's signature logo and imagery and purportedly offered for sale the Complainant's products; thus in view of the Panel it is clear that the Respondent had actual knowledge of the Complainant and its trademark and registered the disputed domain names to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark. Paragraph 4(b)(iv) of the Policy.

The Respondent's intent to target the Complainant and its mark can be readily inferred from the contents of the Respondent's websites seeking to impersonate the Complainant by directing Internet traffic to its websites in order to gain illegitimate profit through impersonation or false association. Visitors of the Respondent's websites might have reasonably believed that they were connected to or approved by the Complainant as it appeared to have offered products under the Complainant's trademark, logo and imagery and gave impression that the websites attached to the disputed domain names are official or at least authorized by the Complainant, while that was clearly not the case. Panels have held that the use of a domain name for illegal activity, in this case impersonation/passing off and fraud constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

As for the current, effectively inactive status of the disputed domain names the Panel finds that it does not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. In this context the Panel notes the composition and previous use of the disputed domain names and finds that in the circumstances of this case the current passive holding of the disputed domain names does not prevent a finding of bad faith under the Policy.

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 <everydaydose-usa.com>, <everydaydoseus.com>, <everydoseday.com>, and <everydaydose.com> be transferred to the Complainant.

/Zoltán Takács/

Zoltán Takács

Sole Panelist

Date: September 1, 2025