

## **ADMINISTRATIVE PANEL DECISION**

AMNEZIA Unipessoal LDA v. Olena Kutumova  
Case No. D2025-2438

### **1. The Parties**

The Complainant is AMNEZIA Unipessoal LDA, Portugal, self-represented.

The Respondent is Olena Kutumova, United States of America ("United States").

### **2. The Domain Name and Registrar**

The disputed domain name <amnezia.dev> is registered with CloudFlare, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 19, 2025. On June 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 23, 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 (DATA REDACTED) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 24, 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 amendments to the Complaint on June 24 and 30, 2025.

The Center verified that the Complaint together with the amendments 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 July 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 24, 2025.

The Center appointed Andrew D. S. Lothian as the sole panelist in this matter on July 31, 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 is a Portuguese entity organized as a Sociedade por quotas, which states that it is active in the digital privacy and software sector. The Complainant does not provide much information regarding its history other than stating that it operates the AMNEZIA brand and trademark, used in connection with its software products including mobile applications publicly available on the Google Play Store.<sup>1</sup>

The Panel identified the Complainant's app entitled Amnezia VPN from the Google Play Store. According to the details provided there, the app is a "Multi-protocol VPN client with configuring your server feature", which was released on December 11, 2021. As of July 31, 2025, said app has received more than one million downloads. The "App support" section of the said listing sets out, under the heading "About the developer", the Complainant's legal name, its email address (using the domain name <amnezia.org>) and its official website, also at <amnezia.org>. Reviews of the said app appear to date back to February 8, 2022, whereby the app has received a rating of 4.6 out of 5 based upon a total of 4,530 reviews. It appears based upon the date of release, download count, volume, and scoring of reviews that the Complainant's app has gained a rapid and significant following since launch.

The Complainant is the owner of European Union Trade Mark Number 19088187 for the figurative mark AMNEZIA consisting of the said word in a distinctively multi-colored typeface ranging from green, grey, and purple on the left, through blue and grey, to yellow and orange on the right below a capital letter "A" in a circle featuring the same colors, filed on October 7, 2024, and registered on January 17, 2025, in Classes 9, 38, and 42 (broadly speaking, virtual private network hardware and software, the provision of related services, and the design of related software).

The disputed domain name was registered on October 5, 2024. Nothing is known of the Respondent, which has not participated in the administrative proceeding, other than that it appears to be a private individual with an address in the United States. The Complainant produces an undated screenshot of the website associated with the disputed domain name, which must have been taken on or before June 19, 2025, when the Complaint was filed. Said screenshot shows that said site offers VPN services, and is referencing the Complainant's virtual private network software among others, and specifically that the said site reproduces at the very top of the page the word element of the Complainant's figurative mark in the same distinctive typeface and color scheme.

On June 30, 2025, the Complainant informed the Center that the website associated with the disputed domain name had changed, this being a date after the Respondent likely became aware of the Complaint. The Complainant provided a new screenshot showing that the website was now headed "Amnesia / Causes, Symptoms and Treatment of Memory Loss", and listed bullet points of the main causes of amnesia together with characteristic symptoms.

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<sup>1</sup>As there had been mention of the Complainant's app being listed in the Google Play Store in the Complaint, the Panel visited the said store and identified the Complainant's Amnezia VPN app. With reference to the Panel conducting independent research of publicly available sources, see the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 4.8. The Panel determined that it was unnecessary to put the results of its research to the Parties in this case because the Complainant had included the fact that its apps were publicly available on the said store, such that this matter was already before the Parties. Not all panels under the Policy would necessarily have carried out this research. Accordingly, should the Complainant require to bring further complaints under the Policy of a similar nature, it may prefer to set out more details of its history and activities, notably the history of the Amnezia VPN app, rather than relying on a future panel to identify these as the Panel has done here.

## **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 name.

Notably, the Complainant contends that the disputed domain name is identical to the Complainant's mark, incorporating the same in full, with no distinguishing elements, and adding that in line with well-established Policy precedent, the ".dev" suffix is disregarded when comparing the disputed domain name to the trademark.

The Complainant asserts that the Respondent has no connection to the Complainant, is not commonly known by the name "Amnezia", and has not been authorized, licensed, or otherwise permitted to use the Complainant's mark, noting also that the Respondent is using the disputed domain name to host a website imitating the Complainant's branding and visual identity, which the Complainant says potentially misleads Internet users. The Complainant adds that the use of the disputed domain name is neither legitimate nor fair.

The Complainant asserts that its mark is a well-established brand name used in connection with software products including on the Google Play Store and noting that the disputed domain name is identical to such mark and is used to host a website mimicking the Complainant's visual identity. The Complainant argues that this demonstrates the Respondent's intent to confuse users and divert them from the Complainant's official services. The Complainant also notes that the Respondent had concealed its identity via a privacy service, and that no legitimate rights or affiliation with the Complainant's brand are evident on the part of the Respondent. The Complainant also notes that the more recent screenshot of the disputed domain name indicates that the Respondent altered the content of the website associated with the disputed domain name immediately after becoming aware of the Complaint, which it asserts supports its argument as to registration and use in bad faith.

### **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1 Preliminary issue – Complainant's supplemental filing**

Paragraph 12 of the Rules expressly provides that it is for the panel to request, in its sole discretion, any further statements or documents from the parties it may deem necessary to decide the case. Unsolicited supplemental filings are generally discouraged, unless specifically requested by the panel. Panels have repeatedly affirmed that the party submitting or requesting to submit an unsolicited supplemental filing should clearly show its relevance to the case and why it was unable to provide the information contained therein in its complaint or response (e.g., owing to some "exceptional" circumstance). [WIPO Overview 3.0](#), section 4.6.

In the present case, the Panel is content to admit the Complainant's supplemental filing on the basis that it reflects a change to the content of the website associated with the disputed domain name after the Complaint was filed, and furthermore after the Respondent would probably have been aware of the existence of the Complaint. The said filing was received prior to formal notification of the Complaint to the Respondent, such that the Respondent had an opportunity to provide an explanation for the change of content or otherwise to comment upon it if it had wished to do so.

## 6.2 Substantive issues

### 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 Panel notes that both the filing date and date of registration of the Complainant's mark post-date the registration date of the disputed domain name. This does not impact the first element assessment directly but is relevant to the second and third element assessments. Nevertheless, it is convenient at this point to consider whether the Complainant has also established that it has unregistered trademark rights in its AMNEZIA mark that might predate the registration date of the disputed domain name.

The Panel notes that the Complainant has created a popular app available on the Google Play Store named "Amnezia VPN". Said app was launched as early as December 2021. It should be noted that the screenshots of the app available on the said store feature the Complainant's AMNEZIA mark (now embodied in its registered trademark) complete with its stylized typeface and distinctive color scheme. Based upon the number and scoring of reviews and the download volumes listed on the said store, the Panel considers that the said app quickly gained traction and notoriety, such that the mark had become a distinctive identifier which consumers associated with the Complainant's goods and/or services before the disputed domain name was registered. Furthermore, the fact that the Respondent is shown to have been targeting the Complainant's mark (based on the fact that the associated website mimics the Complainant's identity) supports the notion that the Complainant's mark has achieved significance as a source identifier. [WIPO Overview 3.0](#), section 1.3.

The Panel finds the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3.

The Complainant's mark is figurative in nature. However, the design elements are severable from the underlying word elements, such that the latter may be compared to the disputed domain. [WIPO Overview 3.0](#), section 1.10. When this is done, it is clear that the disputed domain name is identical to the AMNEZIA word element of the Complainant's mark (absent the letter "A" that is part of the graphic design), such that the disputed domain name may be considered to be identical to the said mark. The applicable Top-Level Domain in a domain name (here ".dev") is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

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 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 name. 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 name such as those enumerated in the Policy or otherwise.

There is no indication before the Panel that the Respondent has been commonly known by a name corresponding to the disputed domain name. Likewise, there is no evidence of any noncommercial or fair use of the disputed domain name by the Respondent. On the contrary, the Panel is satisfied that the evidence on the present record suggests that the Respondent is impersonating the Complainant for its own commercial gain in connection with the provision of VPN services, namely, the Complainant's line of business. This could not be considered to be a bona fide offering of goods or services within the meaning of the Policy and, accordingly, such use of the disputed domain name cannot confer rights or legitimate interests upon the Respondent.

The Panel cannot tell conclusively from the screenshot of the website associated with the disputed domain name whether the Respondent was promoting only the Complainant's VPN service, or the VPN services of others, or indeed was usurping the Complainant's identity to promote its own software. Insofar as the Respondent might only have been promoting the Complainant's software, it nevertheless would fail the "Ok! Data test" (see: [WIPO Overview 3.0](#), section, section 2.8.1) on the basis that it does not accurately and prominently disclose the registrant's (lack of) relationship with the trademark holder, and, on the contrary, that it adopts the Complainant's trademark, and takes on the mantle of the Complainant's corporate identity, for its own commercial benefit. The failure to meet the requirements of the said test also means that the Respondent could not be considered to be making a bona fide offering of goods and services and thus would have a legitimate interest in the disputed domain name.

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 as discussed above that the Respondent has used the disputed domain name for a website whereby it seeks to usurp the Complainant's identity by reproduction of the Complainant's AMNEZIA mark. The Panel notes that the Complainant's registered mark post-dates the registration date of the disputed domain name but, as noted in the discussion relating to the first element assessment, the Panel has found that by that date the Complainant had established unregistered rights in its AMNEZIA mark due to the notoriety and success of its VPN app, which was launched some three years before the disputed domain name was registered.

Given that the website associated with the disputed domain name specifically references the Complainant's AMNEZIA mark in an identical typeface and distinctive set of colors to that of the Complainant, in connection with VPN services, it could not be argued that this is an accidental or coincidental use of an alternative spelling of "amnesia" by the Respondent. On the contrary, the Respondent seeks to cloak itself in the Complainant's identity, presumably for its own commercial gain.

The Respondent has failed to file a Response in the present case and has therefore provided neither submissions nor evidence which have addressed the Complainant's contentions, or which might otherwise have suggested an alternative (good faith) reason for its registration and use of the disputed domain name.

Finally, the fact that when it received details of the Complaint, the Respondent attempted to conceal its previous activities by changing the website associated with the disputed domain name so that it references the dictionary word “amnesia” only serves to underscore the Respondent’s apparent bad faith in connection with the registration and use of the disputed domain name. It must be noted that the disputed domain name is identical to the word element of the Complainant’s mark, which is spelled with a “z” and is not spelled in the manner of the dictionary word, reinforcing the fact that the Respondent is targeting the Complainant’s mark (as also indicated by the former content on the website associated with the disputed domain name which reproduced the word element of the Complainant’s figurative mark in the same distinctive color scheme).

In all of these circumstances, the Panel finds that by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of such website. This constitutes registration and use in bad faith in terms of paragraph 4(b)(iv) of 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 name <amnezia.dev> be transferred to the Complainant.

*/Andrew D. S. Lothian/*

**Andrew D. S. Lothian**

Sole Panelist

Date: August 11, 2025