

ADMINISTRATIVE PANEL DECISION

ARVIDA LABS, LLC v. tomas molars

Case No. D2025-2887

1. The Parties

Complainant is ARVIDA LABS, LLC, United States of America ("United states" and "US"), represented by Saul Ewing LLP, United States.

Respondent is tomas molars, United States.

2. The Domain Name and Registrar

The disputed domain name <mellowfellowstore.com> is registered with Web Commerce Communications Limited dba WebNic.cc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 21, 2025. On July 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 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 (Domain Admin Whoisprotection.cc) and contact information in the Complaint. The Center sent an email communication to Complainant on July 25, 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 July 29, 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 July 30, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 19, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on August 21, 2025.

The Center appointed Georges Nahitchevansky as the sole panelist in this matter on August 28, 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, Arvida Labs, LLC, is a producer of cannabinoid products including vapes, edibles and wellness products. Complainant owns and uses the mark MELLOW FELLOW in connection with its products and owns a trademark registration in the United States for MELLOW FELLOW in Class 25 (No. 7590942) that was filed on April 22, 2023 and issued to registration on December 3, 2024 with a claim of first use on December 31, 2020 and two pending applications for a stylized version for MELLOW FELLOW that were filed on November 21, 2024 (Nos. 98865855 and 98865873) claiming first use in December 2020 and June 2022 respectively. Complainant also owns and uses the domain name <mellowfellow.fun> to promote and sell its various products

Respondent, who appears to be based in the United States, registered the disputed domain name on November 14, 2024. At some point thereafter, Respondent began using the disputed domain name for a website with the title “Shop Mellow Fellow Products – Vapes, Gummies, Carts & More | Mellow Fellow Store” and which purported to offer for sale Complainant's products. Currently, the disputed domain name does not resolve to an active website or page.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, Complainant contends that it has strong rights in the MELLOW FELLOW mark by virtue of the sales of its products in 40 US states and on account of its trademark registration and pending applications for the MELLOW FELLOW mark. Complainant asserts that the disputed domain name is identical or confusingly similar as it fully incorporates the MELLOW FELLOW mark. Lastly, Complainant argues that Respondent does not have a legitimate interest in the disputed domain name and is acting in bad faith as Respondent is not affiliated with Complainant and has no license or authorization to use the MELLOW FELLOW mark. Complainant also asserts that Respondent is using the disputed domain name to purportedly sell Complainant's products and “to give the impression it is complainant's official online store.” In that regard, Complainant notes that it has “received complaints from consumers who believed Respondent to be affiliated with Complainant.”

Complainant also asserts that Respondent's bad faith is evidenced by Respondent's actions. Complainant through its counsel attempted to purchase products on the website associated with the disputed domain name. Complainant notes that while it was able to place an order and pay for some products, its representative was then subsequently told that the ordered products could not be shipped unless an “insurance fee” was paid. That fee was almost three times as much as the original purchase price of the products ordered. The representative was then told that an additional “legal rights document” fee that was nearly six times more than the purchase price needed to be paid. When Complainant's representative attempted to cancel order, obtaining a refund of funds paid was not possible and no product was ever delivered to the representative.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

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

A. Identical or Confusingly Similar

Ownership of a trademark registration is generally sufficient evidence that a complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)") at section 1.7. Complainant has provided evidence that it owns at least one trademark registration for the MELLOW FELLOW mark. While that registration issued after the disputed domain name was registered and Complainant's applications for stylized versions of MELLOW FELLOW were filed after the disputed domain name was registered, Complainant has claimed first use of the MELLOW FELLOW mark in December 2020 a date well before Respondent registered the disputed domain name. In addition, as Respondent has been offering Complainant's MELLOW FELLOW products for sale on its website at the disputed domain name, products that have been offered on Complainant's website at <mellowfellow.fun>, there is no dispute that Complainant has likely developed some common law rights in MELLOW FELLOW in connection with its products – at least sufficient for purposes of the first element.

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 Complainant's trademark and the disputed domain name.

Here, the disputed domain fully incorporates the MELLOW FELLOW mark with the term "store." Accordingly, the disputed domain name is confusingly similar to Complainant's MELLOW FELLOW mark for purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel thus 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 a 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 that Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain names. 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 names such as those enumerated in the Policy or otherwise.

Here, the disputed domain name is clearly based on Complainant's MELLOW FELLOW mark given the use of the disputed domain name for a website purportedly selling Complainant's MELLOW FELLOW products. The fact that Respondent's website was set up to appear as an official or approved website of Complainant, calls itself "Mellow Fellow Store" and uses textual references that relate to Complainant, underscores that Respondent has used the disputed domain name and associated website to conjure up Complainant and its products and to mislead consumers into believing there is a connection between the website and Complainant. Such use of the disputed domain name for the profit of Respondent is not a legitimate interest. [WIPO Overview 3.0](#), section 2.5.3.

The Panel thus 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.

There are several factors here that establish that Respondent's registration and use of the disputed domain name has been done in bad faith. The disputed domain name incorporates Complainant's exact MELLOW FELLOW mark with the term "store" and was likely registered with the goal of attracting and redirecting consumers to Respondent's website that passes itself off as linked to Complainant to purportedly sell Complainant's products. Such an attempt to impersonate Complainant for the profit of Respondent is in itself opportunistic and in bad faith. But there is more.

The fact that Respondent is using the disputed domain name for a website that may not in fact be delivering any products but is being used to obtain excessive payments from consumers appears fraudulent. Complainant has documented the efforts made by a representative to purchase products on Respondent's website and the excessive additional fees demanded by Respondent for the delivery of products. These do not appear legitimate and when coupled with the fact that refunds are not possible and that no product is delivered suggests that Respondent's website is a front to defraud consumers. As Respondent has chosen not to participate in this proceeding, such evidence supports a finding that Respondent is acting in bad faith and using the disputed domain name as part of a fraudulent scheme for the profit of Respondent. [WIPO Overview 3.0](#), section 3.4.

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 <mellowfellowstore.com> be transferred to Complainant.

/Georges Nahichevansky/

Georges Nahichevansky

Sole Panelist

Date: September 11, 2025