

ADMINISTRATIVE PANEL DECISION

Premium Blend, Inc. v. Michael Eymer
Case No. D2025-3012

1. The Parties

The Complainant is Premium Blend, Inc., United States of America (“Complainant”), represented by Snell & Wilmer, LLP, United States of America.

The Respondent is Michael Eymer, United States of America (“Respondent”), represented by Thomas P. Howard LLC, United States of America.

2. The Domain Name and Registrar

The disputed domain name <cannavines.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 29, 2025. On July 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 29, 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 (Registration Private, Domains By Proxy LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 30, 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 amended Complaint on July 30, 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 the Respondent of the Complaint, and the proceedings commenced on August 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 25, 2025. The Response was filed with the Center on August 25, 2025.

The Center appointed David H. Bernstein as the sole panelist in this matter on September 8, 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 engaged in the provision of wine, wine-based liquor, and liquor alternatives. According to its website, available at <cannavinus.com>, its wine products contain terpenes that give the wine the aromatic and charismatic components of cannabis, without the psychoactive properties of cannabis (i.e., the wines do not contain THC; they also do not contain CBD). It markets its wine as “the perfect wine pairing for the cannabis lover”.

The Complainant is the owner U.S. Registration No. 5465471 for the trademark CANNAVINUS in international class 33 (for “Alcoholic beverages except beers”), which was registered on May 8, 2018, with claimed first use on April 1, 2016 and claimed first use in commerce on December 16, 2016. It applied for the registration on November 22, 2016, which gives it registration priority back to that date.

The Respondent purchased the disputed domain name <cannavines.com> on or about October 17, 2017. The website to which the disputed domain name resolves promotes Respondent’s CannaVines-branded cannabis-infused wines, as well as its cannabis and wine tours. Unlike the Complainant’s wine products, the Respondent’s wine products contain THC.

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.

First, the Complainant is the owner of the above-listed trademark registration for CANNAVINUS and operates a website accessible via the domain name <cannavinus.com>. The disputed domain name is confusingly similar to the Complainant’s CANNAVINUS trademark as it differs by only one letter.

Second, the Respondent has no rights or legitimate interests to the disputed domain name. The Respondent is not commonly known by the disputed domain name, the Complainant has not authorized the Respondent to use its mark in the disputed domain name, and there is no evidence that the Respondent has made or is preparing to make a legitimate noncommercial or fair use of the disputed domain name. The disputed domain name resolves to a website stating, “SALES COMING SOON BE THE FIRST TO KNOW!,” which has not materially changed since 2018, and which is therefore proof that the Respondent is not actively offering goods or services, or making use of the disputed domain name for any sort of other information or commentary that might support a finding of bona fide or fair use. The Respondent’s use of a confusingly similar domain name for a website purporting to offer for sale overlapping products and services is neither a bona fide offering of goods or services, nor is it a legitimate noncommercial or fair use pursuant to the Policy.

Third, the Respondent registered the disputed domain name in bad faith because (1) the Respondent acquired the disputed domain after the Complainant first acquired rights in its CANNAVINUS mark; (2) the Complainant filed a trademark application to register the CANNAVINUS mark before the Respondent acquired the disputed domain name; (3) the Complainant was selling wine designed to be paired with cannabis under its CANNAVINUS mark for at least several months before the Respondent acquired the disputed domain name; (4) the Respondent purports to offer wines infused with cannabis and thus sells goods that are highly similar or related to the Complainant’s CANNAVINUS-branded goods; (5) the Respondent failed to respond to the Complainant’s demand letter; and (6) the Respondent concealed its

identity through a privacy protection service. The Complainant further argues that the fact that the Respondent is passively holding the disputed domain name is sufficient to support a finding of bad faith use of the disputed domain name.

B. Respondent

The Respondent contends that the Complainant has not satisfied any of the elements required under the Policy for a transfer of the disputed domain name.

First, the Respondent's domain name is not identical to the Complainant's CANNAVINUS mark, and has a substantially different denotation, connotation, and commercial impression than the Complainant's trademark. The Respondent points to multiple other parties using the "CANNA-" prefix in connection with cannabis-related products, which means that "CANNA-" is conceptually weak for cannabis-related products. The Respondent further argues that there is nothing to suggest that "vinus" and "vines" share the same or similar meanings, as "vinus" may refer to the Latvian word for "them", a proper name, or a "nonstandard" form of the Latin word for wine. Even if referring to wine, the Respondent contends that "vinus" would be descriptive, if not generic, for the Complainant's product. Further, "wine" and "vines" have different meanings. The Respondent also argues that the Complainant's trademark registration did not issue until after the Respondent's acquisition of the disputed domain name in 2017.

Second, the Respondent has rights and legitimate interests in the disputed domain name. The Respondent began to sell CannaVines-branded wine in October 2017 during his "Wine and Weed Tours". The disputed domain name includes links to a separate website for these tours. The Respondent also actively posted on social media and was the subject of several news articles in cannabis-specialty publications. The Respondent was forced to suspend his Wine and Weed Tours (and hence the sale of CannaVines-branded wine) in March 2020 due to the COVID-19 pandemic, and thereafter had difficulty restarting his tour business, but has recently begun offering CannaVines-branded wine in Colorado.

Third, the Respondent did not register or use the disputed domain name in bad faith. The Respondent was unaware of the Complainant when he selected the name, which he picked because it was a combination of "CANNA-" (a common prefix for cannabis-based products) and "-VINES" (a common reference to wine). The fact that the Respondent acquired the disputed domain name after the Complainant first acquired rights in the CANNAVINUS mark does not establish bad faith because the Respondent was unaware of the Complainant's rights at that time. Tellingly, the USPTO had not yet issued the registration for the CANNAVINUS trademark at the time that the Respondent registered the disputed domain name. The Complainant provided no evidence of national media coverage or notoriety of CANNAVINUS wine in 2017 that would support an inference that the Respondent must have been aware of the Complainant and its trademark. Nor does the Respondent's failure to respond to the Complainant's May 2025 demand letter prove bad faith. The letter was received by an employee of the Respondent's tour business, but that employee overlooked the letter and did not forward it to the Respondent. The Respondent was thus unaware of Complainant's demand letter until the filing of the Complaint.

Finally, the Respondent asks the Panel to make a finding of Reverse Domain Name Hijacking ("RDNH"). The Respondent argues that the Complainant knew or should have known that it could not succeed in proving the required elements of the Policy. The Complainant argued that there is no evidence that the Respondent made a legitimate use of the disputed domain name, yet the Respondent's sales of CannaVines-branded wine are evident from the Complainant's own submissions. The Complainant claims it conducted internet searches and examined the Respondent's social media posts, but had the Complainant done so, it would have seen that the Respondent was offering CannaVines-branded wine as early as 2018.

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that, to obtain transfer of a domain name, a complainant must prove each of the following:

- (i) the domain name is identical 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 domain name; and
- (iii) the respondent's domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The first element functions primarily as a standing requirement. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7. The Complainant must show both that it owns rights in a trademark, as well as that the trademark is identical or confusingly similar to the disputed domain name. The test for confusing similarity encompasses a comparison between the Complainant's trademark and the disputed domain name.

The Complainant has shown rights in a trademark for the purposes of the Policy. "Where the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case." [WIPO Overview 3.0](#) section 1.2.1. The Complainant's trademark registration for CANNAVINUS therefore establishes that the Complainant owns trademark rights in the mark.

The Panel further finds that the Complainant's mark and the disputed domain name are confusingly similar for purposes of the Policy. The CANNAVINUS mark and the disputed domain name are identical, except that the disputed domain name changes the penultimate "u" to an "e" and adds the ".com" generic Top-Level Domain ("gTLD") to the end of the mark. A difference of a single letter is generally not sufficient to distinguish a trademark and a disputed domain name. [WIPO Overview 3.0](#) section 1.7; see also *Synopsys, Inc. v. Privacy Service Provided by Withheld for Privacy ehf / Paul Packer, Paulpacker Ltd.*, WIPO Case No. [D2022-0154](#). Moreover, CANNAVINUS and CANNAVINES look similar and appear to have a similar connotation of something that combines cannabis and the fruit of vines. As for the addition of a gTLD such as ".com" that generally is disregarded in assessing similarity in instances where the TLD is not incorporated into the trademark. [WIPO Overview 3.0](#), section 1.11.

The Respondent's arguments that the disputed domain name is not confusingly similar to the CANNAVINUS mark because "vinus" and "vines" have different commercial impressions, and because the overall disputed domain name has a "substantially different denotation, connotation and commercial impression" from the Complainant's trademark, are without merit (and are irrelevant under the first element). For purposes of the Policy, the test under the first factor is a straightforward comparison between the letter strings of the trademark and the disputed domain name. Here, there can be no dispute that the disputed domain name is confusingly similar to the Complainant's trademark for purposes of the Policy. The Respondent's argument that "vinus" should be understood in the context of the disputed domain name as a Latvian word is frivolous. When parties advance arguments that have no basis whatsoever in jurisprudence, as the Respondent does here, they undermine their own credibility. Such arguments are particularly inappropriate coming from a party who is not only represented by counsel, but also seeking a finding of RDNH (which, as an equitable remedy, is only available to those who themselves participate equitably in the proceeding, see *Breazy Inc. v. Domains by Proxy, LLC, DomainsByProxy.com / VR PRODUCTS I LLC*, WIPO Case No. [D2021-1486](#)).

Equally without merit is the Respondent's argument that the disputed domain name is not confusingly similar to the Complainant's trademark because that mark is "conceptually weak". The strength of the Complainant's registered mark is not a relevant factor under the first element (though it may be relevant under the second and third elements). [WIPO Overview 3.0](#), section 1.7.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

The Complainant has not established that the Respondent lacks rights and legitimate interests in the disputed domain name.

The Respondent claims rights in the disputed domain name because, before any notice of the dispute, the Respondent used the disputed domain name in connection with a bona fide offering of goods. Policy, paragraph 4(c)(i); [WIPO Overview 3.0](#), section 2.1. The Complainant rejects this assertion of rights because, in its view, there is no evidence that the Respondent used the disputed domain name for a bona fide offering of goods or services prior to notice of the dispute. In support of this argument, the Complainant states that the Respondent's website reads, "SALES COMING SOON BE THE FIRST TO KNOW!" and further states that the website has used the same content and text since 2018.

The Complainant's argument is deceptive. As part of its submission to this Panel, the Complainant included a 20-page compilation of screenshots of the Respondent's website as Annex 7. Annex 7 shows that, prior to notice of the dispute, the disputed domain name resolved to a website promoting several varieties of CannaVines-branded wine (e.g., "CANNAVINES RED BLEND x HEADBAND" and "CANNAVINES CHARDONNAY x SOUR DIESEL"). Annex 7 does state on pages 16 "SALES COMING SOON" and on page 17 "BE THE FIRST TO KNOW". However, earlier pages in Annex 7 (pages 5, 6 and 7) do not read "SALES COMING SOON," but rather "ONLINE SALES COMING SOON" (emphasis added). Even more relevant to this issue is that page 9 states: "AVAILABLE FOR PURCHASE ONLINE SOON! Currently available for tastings on Cannabis Tour's Wine and Weed Tours and select cannabis infused dinners and events!" And page 18 proclaims that CannaVines wines are "CURRENTLY ONLY AVAILABLE AT CANNABIS TOURS CALIFORNIA WINE AND WEED TOUR."

By the plain language of the annex attached to the Complainant's own submission, the Respondent was advertising that it offered CannaVines-branded wine at least as early as 2018. It is inaccurate for the Complainant to quote so selectively from the annex and then use that quote to argue that the Respondent has never offered its goods via the disputed domain name. The Complainant has not provided any evidence that these multiple references to pre-existing sales were untrue.

The Respondent himself provided further evidence of his use of the CANNAVINES name in connection with the bona fide offering of goods prior to any notice of the dispute. He stated in his sworn declaration that he began holding "Wine and Weed Tours" in October 2017, and that those tours included sales and tastings of CannaVines-branded wine. The Respondent also provided screenshots of third-party articles corroborating that CannaVines-branded wines were available as part of these paid tours. There is thus ample evidence in both parties' submissions that the Respondent made an offering of goods under the disputed domain name prior to notice of the dispute.

The Complainant next argues that any such offering by the Respondent is not a bona fide offering because the disputed domain name is confusingly similar to the Complainant's CANNAVINUS mark, and because the Complainant's goods and the Respondent's goods are similar products.

The Complainant is correct that, if a use constitutes trademark infringement, it is not a bona fide use for purposes of the Policy. See, e.g., *Nara Aziza Smith v. Vanessa Clarke*, WIPO Case No. [D2025-1839](#) ("[A]n infringing use cannot be bona fide"); *ORIENT EXPRESS v. Nguyen Trong Hanh*, WIPO Case No. [D2025-2528](#) ("A use cannot be deemed bona fide, though, if the use at issue constitutes trademark infringement"). But, as explained below, the Complainant has not established trademark infringement by a preponderance of the evidence.

Assessing trademark infringement in the United States usually requires consideration of a multi-factor test. Although the marks and goods are similar in this instance, that is not enough to prove likelihood of actionable trademark confusion. Other factors should also be considered, including the strength of the Complainant's

mark, the similarity of the channels of trade, the similarity of the forms of marketing, the similarity and sophistication of consumers, the Respondent's intent, and any evidence of actual confusion.

The Complainant in this case has failed to address most of these factors, and has failed to make a sufficient showing that the Respondent's use of the disputed domain name constitutes trademark infringement (that is, that the Respondent's use of the disputed domain name is likely to confuse consumers into believing that his products come from, or are sponsored by or affiliated with, the Complainant). As noted above, the names CannaVines and CANNAVINUS are close, but they are not identical. More significantly, they appear to coexist in a crowded field of "CANNA-" marks. The Respondent submitted evidence that third-parties have registered trademarks that use the "CANNA-" prefix for cannabis-related products. Indeed, the USPTO Principal Register includes numerous registered trademarks that use the "CANNA-" prefix to indicate associations with cannabis, hemp, or CBD. These include CANNA COMPANION (for "capsules containing medicinal hemp for administration to dogs and cats"); CANNA PRIDE (for, inter alia, "iso-filtered hemp oil for cosmetic purposes"), CANNA AMERICA (for, inter alia, "promoting public awareness of the benefits of cannabis and hemp"), and CANNA RIVER (for, inter alia, "Body cream comprised of CBD").

The Complainant has failed to adduce evidence of the other likelihood of confusion factors as well. There is no evidence in the record that can establish a likelihood of confusion based on the strength of the mark (the Complainant has not put forward any evidence of the mark's commercial strength, and the Respondent effectively argues that the mark is conceptionally weak), similar trade channels, similar forms of marketing, or sophistication of consumers. There also is no evidence at all about actual confusion. And, for the reasons discussed below, there is no evidence that the Respondent adopted the disputed domain name with knowledge of the Complainant and its mark, or with the intention of confusing consumers into believing that the Respondent's products come from, or are sponsored by or affiliated with, the Complainant.

The Complainant bears the burden of proof in UDRP proceedings. [WIPO Overview 3.0](#), section 2.1.

Because the Complainant has failed to show by a preponderance of the evidence that the Respondent lacks rights and legitimate interests in the disputed domain name, the Panel finds that the second element of the Policy has not been established.

C. Registered and Used in Bad Faith

The Complainant has not established that the Respondent registered the disputed domain name in bad faith or used the disputed domain name in bad faith.

In alleging that the disputed domain was registered in bad faith, the Complainant makes six arguments: (1) that the Respondent acquired the disputed domain name after the Complainant first acquired rights in its CANNAVINUS mark; (2) that the Complainant filed a trademark application to register the CANNAVINUS mark before the Respondent acquired the disputed domain name; (3) that the Complainant was selling wine designed to be paired with cannabis under its CANNAVINUS mark for at least several months before the Respondent acquired the disputed domain name; (4) that the Respondent purports to offer wines infused with cannabis and thus sells goods that are highly similar or related to the Complainant's CANNAVINUS-branded goods; (5) that the Respondent failed to respond to the Complainant's demand letter; and (6) that the Respondent concealed its identity through a privacy protection service.

The first four of these are predicated on the argument that the Respondent engaged in certain actions after the Complainant acquired trademark rights. The problem with all of these arguments is that the Complainant has not submitted evidence that establishes, or supports an inference that the Respondent knew or should have known of the Complainant's mark or products when it acquired the disputed domain name in 2017. [WIPO Overview 3.0](#), section 3.2.2; see also *uwe GmbH v. Telepathy, Inc.*, WIPO Case No. [D2007-0261](#) (finding bad faith had not been established where the Complainant put forth no evidence to suggest the Respondent knew or should have known of the Complainant's mark at the time it acquired the disputed domain name); *PC Mall, Inc v. NWPCMALL LLC*, WIPO Case No. [D2007-0420](#) (declining to find bad faith where there were no facts in the record to support that the Respondent selected the disputed domain name

with knowledge of the Complainant's marks intentionally). The Complainant has not submitted evidence that its mark was well-known, such that the Respondent should have been aware of it. The Complainant has not submitted evidence of its sales and advertising at the time, or the geographic scope of its business. Indeed, the Complainant's trademark had not even proceeded to registration yet in 2017, at the time that the Respondent acquired the disputed domain name. Nor has the Complainant submitted evidence that it did business with the Respondent, or that it had corresponded with the Respondent prior to the registration of the disputed domain name.

For his part, the Respondent has submitted a declaration in which he has sworn that he "had no knowledge of Complainant or the CANNAVINUS trademark when [he] acquired the <cannavines.com> domain name". The Respondent's assertions here are prima facie credible, as is the Respondent's sworn statement that he adopted the CannaVines mark and the disputed domain name because "'canna' is used to describe or suggest a cannabis-related product, and because 'vines' was suggestive of wine. Combined together as a compound word, it was suggestive of a cannabis-infused wine".

This is not a case where the Respondent's only plausible motive in choosing the disputed domain name was to trade on the goodwill of the Complainant's mark. Compare, e.g., *Veuve Clicquot Ponsardin, Maison Fondee en 1772 v. The Polygenix Group Co.*, WIPO Case No. [D2000-0163](#) (<veuvecliquot.org> was "so obviously connected with such a well-known product that its very use by someone with no connection with the product suggests opportunistic bad faith"). Rather, this appears to be a case in which two parties, both offering products at the intersection of cannabis and wine, selected similar marks with descriptive elements during a roughly similar time period. It is true that the Complainant has priority from a trademark law perspective, but the Complainant has not shown that the Respondent knew about the Complainant or its mark, and targeted that mark in his registration of the disputed domain name. The Panel thus credits the Respondent's assertion that he selected the disputed domain name to describe his business, without knowledge of the Complainant's marks, and without any intent "to take advantage of Complainant's marks and customer base". *PC Mall, Inc v. NWPCMALL LLC*, WIPO Case No. [D2007-0420](#).

The Complainant's fifth argument in favor of a finding of bad faith registration and use is that the Respondent failed to respond to the Complainant's May 30, 2025 demand letter. A party might not respond to a demand letter sent by a law firm for any number of reasons. It might believe the claims in the letter are without merit. It might not wish to incur the cost of engaging counsel to evaluate and respond to the letter. It might be concerned that the letter is spam, a phishing attempt, or some other type of fraud. It might not even have received the letter. Regardless of the reason, the failure to respond to a single demand letter does not, without more, establish bad faith registration or use of the disputed domain name. See *International E-Z Up, Inc. v. Affordable Instant Shelters, Inc.*, WIPO Case No. [D2001-1244](#) ("Mere failure to respond to a demand letter does not, without more, constitute bad faith registration and use of a domain name."). Indeed, the Respondent submitted a sworn declaration from an employee of Cannabis Tours (the tour business associated with the Respondent's business) who confirmed that he inadvertently overlooked the email from the Complainant's lawyers, and therefore never alerted Respondent to it. The Respondent similarly submitted a declaration saying that he did not see the letter, which explains why he did not respond to it. Under the circumstances the lack of response does not evidence bad faith.

Finally, the Complainant argues that the Respondent's use of a proxy service proves bad faith registration. That argument also is without merit. "There are recognized legitimate uses of privacy and proxy registration services." [WIPO Overview 3.0](#), section 3.6. For better or worse, the use of proxy services at the time of registration has become routine, such that this fact, standing alone, is not evidence that the disputed domain name has been registered in bad faith.

The Complainant's arguments in support of bad faith use of the disputed domain name are similarly without merit. The Complainant's main argument is that the Respondent is passively holding the disputed domain name because it "resolves to a website displaying the nearly identical content it did back in 2018", and that this is sufficient to show bad faith use.

The Complainant's argument reflects a misunderstanding of the passive holding doctrine. Updating a website only intermittently is not the same thing as passively holding it. Passive holding entails "non-use" of a domain, such as leaving a website fully blank, or displaying a "coming soon" sign and nothing else. [WIPO Overview 3.0](#), section 3.3. Here, both parties have provided screenshots of the website in question, which show that the website was not merely a "coming soon" page or a blank page. Rather, the website shows pictures of the Respondent's products, lists information about the composition of the products, provides a list of press coverage of the products, and directs visitors to visit the Respondent's social media accounts or tour booking website. The website specifically notes that the advertised CANNAVINES products are "currently only available at Cannabis Tours California Wine and Weed Tour", and provides a link to the Cannabis Tours website.

Nor do the facts of this matter fit with the requirements of the passive holding doctrine, as articulated in *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#) ("Telstra"). *Telstra* stands for the proposition that a Panel may find bad faith use even if a website is being passively held if certain other conditions are met to support a finding of bad faith; it does not mean that passive holding automatically stands for bad faith. In *Telstra*, the relevant other factors that supported a finding of bad faith were that (1) the Complainant's trademark was widely known, (2) the Respondent provided no evidence of actual or contemplated good faith use, (3) the Respondent took active steps to conceal its identity, (4) the Respondent actively provided false contact details, and (5) it was not possible to conceive of any plausible actual or contemplated active use of the disputed domain name by the Respondent that would be legitimate. None of these conditions are met here. The Complainant has not provided evidence of the fame of its mark. The Respondent has provided evidence that he selected the disputed domain name because of the descriptive nature of the CANNA-prefix and -VINES suffix, and has provided evidence that he has sold CANNAVINES wines through his tours; this shows that it certainly is possible to conceive of a legitimate use of the disputed domain name. Further, the Complainant has provided no evidence of active concealment of the Respondent's identity or provision of false contact details. In short, there is no argument here that the Respondent has engaged in *Telstra*-like passive holding.

The Panel finds the third element of the Policy has not been established.

D. Reverse Domain Name Hijacking

Pursuant to Paragraph 15(e) of the Rules, if the Panel finds that the Complaint was brought in bad faith, for example in an attempt at RDNH or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. [WIPO Overview 3.0](#), section 4.16. The Respondent here specifically requests that the Panel enter an order finding that the Complainant engaged in RDNH.

The Respondent argues that RDNH is appropriate because the Complainant's assertions that the Respondent had not used the disputed domain name in connection with a bona fide offering of goods ignored and misrepresented the evidence on the record. Although the Complainant selectively quoted excerpts from the Respondent's website, the Panel does not believe a finding of RDNH is appropriate in this case. First, although the Complainant did deceptively quote from the annex, that annex was in the record, and the Panel was able to review it directly. Moreover, the Complainant appeared to have legitimate concerns about whether the Respondent was really selling products, given that the website had not changed since 2018. Furthermore, the Complainant had a registered trademark, and the Respondent's goods were somewhat similar to the Complainant's. Though the Panel ultimately finds that the Complainant's arguments are without merit, "mere lack of success of a complaint is not itself sufficient for a finding of RDNH". [WIPO Overview 3.0](#), section 4.16.

More significantly, RDNH is an equitable remedy that should not be granted in situations where the Respondent itself has engaged in questionable conduct. See *Breazy Inc. v. Domains by Proxy, LLC, DomainsByProxy.com / VR PRODUCTS I LLC*, WIPO Case No. [D2021-1486](#) (declining to find RDNH because a "request for a finding of Reverse Domain Name Hijacking is an equitable remedy, and equitable relief should only be available to a party who comes before a panel with clean hands"). Here, the

Respondent made arguments that are not supported by a good faith application of the facts and the law, such as arguing that CANNAVINES and CANNAVINUS are not confusingly similar for purposes of the Policy, and in fact are “substantially different [in] denotation, connotation and commercial impression”, because, among other reasons, “VINUS” is “Latvian for ‘them’”. See, e.g., *WE-EF LEUCHTEN GmbH v. wang yajun*, WIPO Case No. [D2025-1723](#) (declining to find RDNH because the “Respondent has made some patently invalid arguments in this proceeding, such as its assertion that the disputed domain name is not confusingly similar to the Complainant’s registered trademarks because the disputed domain name omits the hyphen from the WE-EF mark.”). That argument has no basis in fact or UDRP jurisprudence, and reflects overly aggressive argumentation.

The Panel therefore declines to find that the Complainant has engaged in RDNH.

7. Decision

For the foregoing reasons, the Complaint is denied.

/David H. Bernstein/

David H. Bernstein

Sole Panelist

Date: September 22, 2025