

## **ADMINISTRATIVE PANEL DECISION**

FuturHealth, Inc. v. Nitesh Saini and Jai Sharma  
Case No. D2025-3123

### **1. The Parties**

The Complainant is FuturHealth, Inc., United States of America ("United States"), represented by Foley & Lardner LLP, United States.

The Respondents are Nitesh Saini, India, and Jai Sharma, India.

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

The disputed domain names <en-futurhealth.com> (the "First disputed domain name") and <us-futurhealth.com> ("Second disputed domain name") are registered with Wild West Domains, LLC (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 6, 2025. On August 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On August 8, 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 (redacted by privacy service; ReflexMD, Inc., d/b/a reflexmd) and contact information in the Complaint.

The Center sent an email communication to the Complainant on August 12, 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 disputed domain names are under common control. The Complainant filed an amended Complaint on August 22, 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 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 15, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 18, 2025.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on September 23, 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 provides online dietician services, personalized meal and weight-loss plans, online retail pharmacy services, and operates a mobile application delivering weight-loss information. The Complainant has continuously used the FUTURHEALTH trademark in commerce in the United States since January 16, 2024.

The Complainant is the owner of the domain name <futurhealth.com> as well as of the United States trademark application No. 98,539,574 for the word mark FUTURHEALTH, in classes 9, 43 and 44, filed on May 2, 2024 with a claimed first use of January 16, 2024.

The First disputed domain name was registered on November 8, 2024, and resolves to an online shop offering "FuturHealth Semaglutide" at discounted prices.

The Second disputed domain name was also registered on November 8, 2024, and resolves to an online shop purportedly offering "FuturHealth Semaglutide" at the same discounted prices.

The websites at the disputed domain names both include buttons redirecting Internet users to a third-party website.

#### **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.

The Complainant requests the consolidation of the two named Respondents arguing that the disputed domain names are under common control in view of the following circumstances:

- (1) both disputed domain names were registered on November 8, 2024, less than 12 minutes apart, sharing the same naming pattern (i.e., "en-" / "us-" before the Complainant's trademark) designed to mimic official language/region portals;
- (2) the corresponding websites are identical in all material aspects, reproducing the Complainant's FUTURHEALTH trademark and logo and purple trade dress, presenting the same layout, and deploying the same "Get Approved/Started", with matching Terms & Conditions and Disclaimers;
- (3) both websites execute the same redirect chain to the same competitor of the Complainant;
- (4) both Respondents list addresses in Jaipur, Rajasthan, India, and their telephone numbers share the same five-digit ending; and
- (5) both Respondents use Outlook email accounts.

The Complainant contends that the disputed domain names are confusingly similar to the Complainant's FUTURHEALTH trademark, as they fully incorporate it, with the addition, in the First disputed domain name of "en-" and, in the Second disputed domain name, of "us-" which are indicative of geographic indicators of "English" and "United States", thus enhancing the false impression that the disputed domain names are localized or regional versions of the Complainant's official website.

As to the lack of rights or legitimate interests in the disputed domain names, the Complainant asserts that:

- the Complainant has never licensed, consented to, or otherwise authorized the Respondents to register or use the FUTURHEALTH trademark (or any variation thereof) in a domain name or in connection with any goods or services; there being no distributor, reseller, affiliate, white-label, or other business relationship between the Parties that could justify the Respondents' adoption of the disputed domain names;
- the Respondents are not commonly known by the disputed domain names, which evinces a lack of rights or legitimate interests;
- the use of the disputed domain names in connection with competing websites reproducing the Complainant's FUTURHEALTH logo and purple trade dress, presenting the same layout, purportedly offering the Complainant's products does not characterize a bona fide offering of goods or services; and
- there is no legitimate noncommercial or fair use of the disputed domain names.

Lastly, the Complainant states that it would be implausible that the Respondents were unaware of the Complainant when registering the disputed domain names given the use of the disputed domain names to display the Complainant's logo and purportedly offering the Complainant's products thus clearly targeting the Complainant and seeking to disrupt the Complainant's business, without any plausible good-faith explanation.

## **B. Respondents**

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

## **6. Discussion and Findings**

### **6.1. Procedural Matter - Consolidation of Multiple Respondents**

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the disputed domain name registrants are the same entity or mere alter egos of each other, 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 Respondents did not comment on the Complainant's request. Paragraph 3(c) of the Rules states that a complaint may relate to more than one disputed domain name, provided that the disputed 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. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.11.2.

As regards common control, the Panel notes that (1) both disputed domain names were registered on the same date; (2) share the same naming pattern; (3) are used in connection with websites that are almost identical, which reproduce the Complainant's FUTURHEALTH trademark, logo, trade dress and layout to that of the Complainant's official website and also use very similar Terms & Conditions and; (6) both disputed domain name registrants list addresses in Jaipur, Rajasthan, India, and their telephone numbers share the same five-digit ending; and (7) both use Outlook email addresses using the format "name + four digits"@outlook.com.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

This Panel is satisfied, in view of the evidence submitted and on the balance of probabilities that the disputed domain names are indeed subject to a common control and that consolidation would be fair and equitable to all Parties.

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.

## **6.2. Substantive Matter**

Paragraph 4(a) of the Policy sets forth the following three requirements, which have to be met for this Panel to order the transfer of the disputed domain names to the Complainant:

- (i) the disputed domain names are 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 disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

The Complainant must prove in this administrative proceeding that each of the aforementioned three elements is present in order to obtain the transfer of the disputed domain names.

In accordance with paragraph 14(a) of the Rules, if the Respondent does not submit a Response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the Complaint.

### **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 names. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, the Panel finds that the Complainant has established unregistered trademark rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3. This finding is supported by the content of the websites at the disputed domain names which use the Complainant’s mark that shows the Respondent’s intention to target the Complainant’s mark through the disputed domain names. [WIPO Overview 3.0](#), section 1.15.

The Panel finds the mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (“en” or “us”) and hyphens in the disputed domain names may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the 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 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.

The Respondent, in not responding to the Complaint, has failed to invoke any of the circumstances, which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights to or legitimate interests in the disputed domain names. This entitles the Panel to draw any such inferences from such default as it considers appropriate pursuant to paragraph 14(b) of the Rules. Nevertheless, the burden of proof is still on the Complainant to make a prima facie case against the Respondent.

In that sense, the Complainant indeed states that the Respondent is not sponsored by or affiliated with the Complainant in any way, nor has the Complainant given the Respondent permission, license or authorization to use the Complainant’s trademark in any manner, including in the disputed domain names.

Also, the lack of evidence as to whether the Respondent is commonly known by the disputed domain names or the absence of any trademarks registered by the Respondent corresponding to the disputed domain names, corroborates with the indication of the absence of a right or legitimate interest in the disputed domain names.

The Panel concludes that the Respondent has indeed not used the disputed domain names in connection with a bona fide offering of goods or services. The Respondent has used the disputed domain names, which incorporate the Complainant’s trademark entirely with the terms that may be seen as referring to a particular country website of the Complainant, for websites purportedly offering for sale the Complainant’s products, in order to mislead and redirect unsuspecting Internet users, expecting to find the Complainant’s products.

Under these circumstances and absent evidence to the contrary, the Panel finds that the Respondent does not have rights or legitimate interests with respect to the disputed domain names.

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.

The registration and use of the disputed domain names in bad faith can be found in the present case in view of the following circumstances:

a) the use of the disputed domain names in connection with virtually identical webpages using the Complainant’s mark, logo, color scheme and impersonating the Complainant and including buttons redirecting to a third-party website, what characterizes the Respondent’s likely intent of commercial gain by profiting from the Complainant’s trademark;

- b) the composition of the disputed domain names targeting the Complainant; and
- c) the Respondent has provided no evidence whatsoever of any actual or contemplated good faith use by it of the disputed domain names.

For the reasons as stated above, the Panel finds that the disputed domain names were registered and are being used in bad faith pursuant to 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 names <en-futurhealth.com> and <us-futurhealth.com> be transferred to the Complainant.

*/Wilson Pinheiro Jabur/*

**Wilson Pinheiro Jabur**

Sole Panelist

Date: October 7, 2025