

ADMINISTRATIVE PANEL DECISION

Russo Nutritional Systems LLC v. dong hao, haoqianyi
Case No. D2025-3151

1. The Parties

The Complainant is Russo Nutritional Systems LLC, United States of America (“United States”), represented by Price Heneveld LLP, United States.

The Respondent is dong hao, haoqianyi, China.

2. The Domain Name and Registrar

The disputed domain name <nutrifuels.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 7, 2025. On August 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 7, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 11, 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 August 15, 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 19, 2025. The Response was filed with the Center on August 20, 2025. On September 2, 2025, the proceedings were suspended until October 2, 2025, upon the Complainant’s request, and reinstated on October 6, 2025, the new due date for Response was October 12, 2025. The Center informed the Parties of the commencement of panel appointment process on October 15, 2025.

The Center appointed Luca Barbero as the sole panelist in this matter on October 21, 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 United States company specialized in the production and sale of nutrition supplements, supplement kits, meal starter kits, protein powders and nutrition bars, which are being commercialized under the NUTRIFUEL mark on the Complainant's website "www.nutrifuelnutrition.com".

The Complainant is the owner of several trademark registrations for NUTRIFUEL, including the following:

- United States trademark registration No. 5439821 for NUTRIFUEL (word mark), filed on July 10, 2017, and registered on April 3, 2018, in international class 5;
- United States trademark registration No. 5201172 for NUTRIFUEL (figurative mark), filed on February 25, 2016, and registered on May 9, 2017, in international classes 30 and 32;
- United States trademark registration No. 5201350 for NUTRIFUEL (word mark), filed on March 23, 2016, and registered on May 9, 2017, in international classes 5 and 32; and
- United States trademark registration No. 4923651 for NUTRIFUEL (word mark), filed on September 3, 2014, and registered on March 22, 2016, in international classes 30.

The Complainant is also the owner of the domain name <nutrifuelnutrition.com>, which was registered on September 5, 2015, and is used by the Complainant to promote its products under the trademark NUTRIFUEL.

The disputed domain name <nutrifuels.com> was registered on February 6, 2025. According to the screenshots submitted by the Complainant, which have not been contested by the Respondent, the disputed domain name resolved prior to these proceedings to the website at "www.nutrifuels.com", displaying a "Nutrifuels" logo and promoting the sale of nutritional supplements, namely capsules, seed oil and leaf powder, under the name "Nutrifuels Moringa".

At the time of the drafting of the Decision, the disputed domain name redirects to the website "www.nutrofuels.com", publishing the same contents as the website previously displayed at "www.nutrifuels.com" but under the name "Nutrofuels" instead of "Nutrifuels". In the "Terms of Service" section of the website it is stated that the website is operated by "Nutrofuels" and that the governing laws are the ones of California, United States. In the "Privacy Policy" section, the Californian company JZY Limited is identified as data protection officer. A disclaimer on the home page of the website reads: "These statements have not been evaluated by the Food and Drug Administration or MHRA. These products are not intended to diagnose, treat, cure or prevent any disease" (the same disclaimer was displayed on the website previously exhibited at the disputed domain name). Amongst the products sold on the website, there are Moringa capsules, which are described as "5X More Nutrients, 100% Organic & USA Made". Some pictures of the capsules, however, show that the sender's address is located in China.

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 or confusingly similar to the trademark NUTRIFUEL in which the Complainant has rights as it reproduces the trademark in its entirety with the mere addition of the letter "s" and the generic Top-Level Domain ("gTLD") ".com".

The Complainant states that the Respondent has no rights or legitimate interests in the disputed domain name because the Complainant's trademark rights in the NUTRIFUEL mark long predate the date of registration of the disputed domain name, the Respondent has not been authorized by the Complainant to use its mark in any way and the Respondent is not commonly known by the disputed domain name.

Moreover, the Complainant submits that the Respondent has not used the disputed domain name in connection with a bona fide offering of goods or services or for noncommercial or fair use considering it has directed the disputed domain name to a website offering overlapping products for sale under a name fully incorporating the NUTRIFUEL mark.

With reference to the circumstances evidencing bad faith, the Complainant states that the Respondent intended to create a likelihood of confusion with the Complainant and informs the Panel that several Internet users were actually confused by the Respondent's website as the Complainant received numerous communications over time, through its official online chat service and contact form, concerning supplements promoted on the Respondent's website which were paid but never received and were purportedly to be shipped from China.

The Complainant contends that the Respondent could have chosen a different name under which to promote its Moringa supplements but clearly chose to hijack the Complainant's NUTRIFUEL mark instead. The Complainant also submits that a simple online search at Google or the United States Patent and Trademark Office ("USPTO") website would have revealed the existence of both the Complainant's NUTRIFUEL mark and the related website.

The Complainant further states that the Respondent's choice to hide its identity behind a privacy shield when registering the disputed domain name and its failure to respond to the Complainant's cease-and-desist letter, sent on April 17, 2025, both by email to the email address displayed on the website "[...]@nutrifuels.com" and to the listed address in the United States published on the Respondent's website, further demonstrate the Respondent's bad faith.

B. Respondent

The Respondent denies the Complainant's allegations, stating that its registration and use of the disputed domain name does not amount to trademark infringement or bad faith under the Policy since any similarity between "Nutrifuels" and the Complainant's mark is coincidental, as the Respondent is using the disputed domain name in connection with its own business of dietary and nutritional supplements and both registration and use were made in good faith for the purpose of developing his independent brand. It adds that its logo and brand design are completely different from the Complainant's and thus unlikely to create confusion.

In addition, the Respondent submits that it never registered or used the disputed domain name with the intent to sell it to the Complainant, nor to mislead consumers or disrupt the Complainant's business.

The Respondent concludes that it would be open to an amicable settlement with the Complainant which may include a voluntary transfer of the disputed domain name under mutually agreed terms and requests to be granted a transition period of 30-60 days to migrate its business to another domain name.

6. Discussion and Findings

According to paragraph 15(a) of the Rules: “A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.” Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following:

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

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“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. Indeed, the Complainant has provided evidence of ownership of valid trademark registrations for NUTRIFUEL.

The entirety of the mark is reproduced within the disputed domain name with the mere addition of a letter “s” at the end of the NUTRIFUEL mark. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The addition of the gTLD “.com” does not prevent a finding of confusing similarity under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

Therefore, the Panel finds the first element of the Policy has been established by the Complainant.

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 rebutted the Complainant’s prima facie showing and has not come forward with sufficient evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Panel notes that there is no relation, disclosed to the Panel or otherwise apparent from the record, between the Respondent and the Complainant. The Respondent is not an affiliate or licensee of the Complainant, nor has the Respondent obtained authorization to use the Complainant's mark or to register the disputed domain name.

Moreover, there is no element from which the Panel could infer the Respondent's rights or legitimate interests over the disputed domain name, or that the Respondent might be commonly known by the disputed domain name.

The Panel also finds that the Complainant has demonstrated, on balance of probabilities, that the Respondent has not used the disputed domain name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant's trademark.

The Panel notes that, based on the records, the disputed domain name was registered by the Respondent long after the Complainant had registered its NUTRIFUEL mark in the United States and started its business in the sale of health supplements under the NUTRIFUEL mark through its website at "www.nutrifuelnutrition.com".

The Panel further notes that the disputed domain name has been pointed to a website promoting the online sale of a virtually identical category of products compared to that offered by the Complainant, using a brand very similar to the Complainant's NUTRIFUEL mark. The Respondent has failed to include a disclaimer of non-affiliation with the Complainant and its website appears to target users based in the United States like the Complainant, as it provides information about a company based in the United States as data processor, indicates prices in USD, and claims that the Respondent's capsules are made in the United States, even though some product images show a sender's postal address based in China.

In addition to the above, the Panel notes that the Respondent has not provided any evidence of actual use of the sign NUTRIFUELS apart from the disputed domain name and the corresponding website.

The Panel also notes that the disputed domain name, almost identical to the Complainant's prior trademark NUTRIFUEL, and its use in connection with the Respondent's promotion of products in direct competition with the Complainant, are apt to confuse Internet users as to the source of the website or its affiliation with the Complainant and finds that, under the circumstances and for the reasons detailed under the bad faith section, the Respondent's use of the disputed domain name – which is clearly commercial being aimed at obtaining payments for the purchase of the supplements purportedly offered on the website – does not amount to an offer of products in good faith. In this regard, the Panel also notes that the Complainant has provided some evidence of the actual customer confusion.

Therefore, the Panel finds the second element of the Policy has also 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 finds that, in light of the prior registration and use of the Complainant's NUTRIFUEL mark in connection with the Complainant's sale of health supplements, protein powders and nutrition bars via the Complainant's website "www.nutrifuelnutrition.com", the Respondent likely was aware of the Complainant's trademark at the time of registration of the disputed domain name.

Indeed, a search for "nutrifuel" on online trademark database would have revealed the existence of the Complainant's trademark NUTRIFUEL. WIPO Overview, section 3.2.2.

Moreover, the Panel attaches particular weight to the fact that the Respondent has directed the disputed domain name to a website that appears to target United States users, promoting products that compete with those of the Complainant under an almost identical mark, which suggests that the Respondent, on balance of probabilities, intentionally attempted to attract Internet users to its website for commercial gain, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of its website and the products advertised therein according to paragraph 4(b)(iv) of the Policy.

Therefore, the Panel finds that the Complainant has established the third element of the Policy as well.

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 <nutrifuels.com> be transferred to the Complainant.

/Luca Barbero/

Luca Barbero

Sole Panelist

Date: November 6, 2025