

ADMINISTRATIVE PANEL DECISION

Fridababy LLC. v. Vladimir Veselovskiy
Case No. D2025-3224

1. The Parties

The Complainant is Fridababy LLC., United States of America ("United States"), represented by Abion AB, Sweden.

The Respondent is Vladimir Veselovskiy, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <frida-fertility.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 12, 2025. That same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, the Registrar transmitted by email to the Center its verification response, disclosing the registrant and contact information for the disputed domain name which differed from the named Respondent (N/A / 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 14, 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 14, 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 18, 2025. In accordance with the Rules, paragraph 5, the due date for the Response was September 7, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 11, 2025.

The Center appointed Ada L. Redondo Aguilera as the sole panelist in this matter on September 18, 2025. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance, 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 corporation headquartered in the United States.

The company specializes in maternity, baby, and fertility products. The products can be found in over 50 countries and in over 40,000 stores throughout the United States, across every retail channel including mass market, grocery, chain drug, and specialty stores.

The Complainant holds the following trademark registrations: FRIDA, FRIDA FERTILITY, FRIDA BABY, FRIDA MOM, among others:

International trademark registration 1716969 for FRIDA FERTILITY, designating Canada and the European Union, classes 5, 10, registered on February 9, 2023; and

United States Patent and Trademark Office, trademark registration 7264211 for FRIDA FERTILITY in classes 5, 10 registered on January 2, 2024.

The Complainant also enjoys a strong online presence through its official website at “www.frida.com” (used by the Complainant since 2020) and various social media platforms. This domain name resolves to the brand’s official websites through which it informs Internet users and potential consumers about its FRIDA mark and products. The Complainant also owns numerous other domain names containing the trademark FRIDA, among them <fridafertility.com>.

The Respondent is Vladimir Veselovskiy located in Ukraine.

The disputed domain name was registered on March 13, 2024.

The disputed domain name resolves to a website displaying FRIDA FERTILITY in the same stylized font as used by the Complainant and offering fertility solutions under “FRIDA FERTILITY” brand, while claiming to be “Frida Fertility Official Website” and using the Complainant’s product images.

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.

The Complainant asserts that the disputed domain name is confusingly similar to its FRIDA and FRIDA FERTILITY trademarks since it includes the Complainant’s trademarks in their entirety, with only the addition of a hyphen “-”. The Complainant argues that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not authorized by the Complainant to use its trademarks, nor is it affiliated with the Complainant. The Respondent is not identified in the Whois database by the disputed domain name and is not commonly known by it. The Respondent is not making a bona fide offering of goods or services or a legitimate, noncommercial fair use of the disputed domain name.

The Complainant further contends that the disputed domain name was registered and is being used in bad faith. According to the Complainant, by conducting a simple online search for the terms “Frida Fertility”, the

Respondent would have inevitably learned about the Complainant, its trademark and business. Moreover, the disputed domain name resolved to a webpage that displayed the Complainant's logo, and mimicked the look and feel of the Complainant's legitimate website. The Complainant requests the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

6.1 Preliminary Matters

Further Procedural Considerations

The Panel notes that no communication has been received from the Respondent. Since the Respondent's postal address is in Ukraine, a country subject to international conflict at the date of this Decision that may impact case notification, it is appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceedings should continue (see *Wilshire Refrigeration & Appliance, Inc. v. Oleksandr Kliuiev, Henryslist.com*, WIPO Case No. [D2024-0962](#)). Having considered all the circumstances in this case, the Panel is of the view that the proceedings should continue. The Panel notes that the Center used the Respondent's email address as registered with the Registrar and the email address available in the screenshots of the website at the disputed domain name provided by the Complainant for the purposes of notifying the Complaint. There is no evidence that the case notification email was not successfully delivered to the first email address.

Furthermore, the Respondent registered the disputed domain name as recently as March 2024, and the contact details, as per the screenshots of the website at the disputed domain name provided by the Complainant, include a postal address in the United States. Having apparently received Notification of the Complaint by email, the Respondent would have been able to formulate and file a Response if it had wished to do so. Moreover, for the reasons set out later in this Decision, the Panel has no serious doubt (albeit in the absence of a Response) that the Respondent registered and uses the disputed domain name in bad faith and with the intention of unfairly targeting the Complainant's goodwill in its trademarks.

Accordingly, the Panel considers it can proceed to determine this Complaint and to draw inferences from the Respondent's failure to file any Response. While the Respondent's failure to file a response does not automatically result in a decision in favor of the Complainant, the Panel may draw appropriate inferences from the Respondent's default (see, e.g., *Verner Panton Design v. Fontana di Luce Corp*, WIPO Case No. [D2012-1909](#)).

6.2 Substantive Matters

To succeed, in accordance with paragraph 4(a) of the Policy, the Complainant must satisfy the Panel that:

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

The Panel will therefore proceed to analyze whether these three elements are established.

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 trademarks and the disputed domain name (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7).

The Complainant has demonstrated rights in the trademark FRIDA FERTILITY for the purposes of the Policy (see [WIPO Overview 3.0](#), section 1.2.1). The disputed domain name incorporates the Complainant's registered trademark FRIDA FERTILITY in its entirety.

In the present case, the disputed domain name includes the Complainant's trademark FRIDA FERTILITY, with the sole addition of a hyphen, which does not prevent a finding of confusing similarity between the disputed domain name and the trademark for the purposes of the Policy.

Additionally, it is well established that the generic Top-Level Domain ("gTLD") (in this case ".com") is generally disregarded when considering whether a disputed domain name is confusingly similar to the trademark in which the complainant has rights (see [WIPO Overview 3.0](#), section 1.11.1).

The Panel 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 the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings rests with the Complainant, panels have recognized that proving a respondent lacks rights or legitimate interests may involve the difficult task of "proving a negative," requiring information often primarily within the Respondent's control. As such, where a Complainant makes out a prima facie case that the Respondent lacks rights or legitimate interests, the burden of production shifts to the Respondent to come forward with relevant evidence demonstrating rights or legitimate interests (though the burden of proof always remains on the Complainant). If the Respondent fails to provide such evidence, the Complainant is deemed to have satisfied the second element (see [WIPO Overview 3.0](#), section 2.1).

The Panel notes that the disputed domain name is engaged in the sale of products identical to those offered by the Complainant, displaying FRIDA FERTILITY mark in the same stylized font as used by the Complainant, mimicking the look and feel of the Complainant's official website, and claiming to be "Frida Fertility Official Website". The Complainant did not authorize the creation of such a domain name nor the associated website. The Respondent's use of the Complainant's trademark in the disputed domain name, coupled with the use of the disputed domain name to resolve to a website in which the Respondent tries to impersonate the Complainant, reflects an intention to take unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant and its trademarks in Internet users' minds. As such, the Respondent has sought to exploit the Complainant's trademark rights for its own commercial gain.

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 provided a rebuttal to this claim and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name.

Panels have held that the use of a domain name for illegitimate activities such as impersonation/passing off, can never confer rights or legitimate interests on a respondent (see [WIPO Overview 3.0](#), section 2.13.1).

The Panel finds that 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 which, 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 that the Respondent was aware of the Complainant's trademarks, which were registered before the registration of the disputed domain name. The disputed domain name reproduces the FRIDA FERTILITY trademark in its entirety and is virtually identical to the Complainant's domain name <fridafertility.com>. The disputed domain name also resolved to a website that displayed the Complainant's trademarks using the same font, color scheme, and product imagery, leading the Panel to conclude that the Respondent registered and is using the disputed domain name to take unfair advantage of the likelihood of confusion between the Complainant's trademark and the disputed domain name as to the origin or affiliation of the website at the dispute domain name.

Paragraph 4(b) of the Policy identifies circumstances that constitute evidence of bad faith registration and use. Among these, paragraph 4(b)(iv) states: "by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location."

The fact that the disputed domain name incorporates the Complainant's trademark and the use to which the disputed domain has been put without any disclaimer of affiliation may mislead potential consumers into believing that the products and services advertised on the website are official and authorized by the Complainant (see *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)).

Panels have consistently held that the use of a domain name for illegal activity such as impersonation/passing off constitutes bad faith (see [WIPO Overview 3.0](#), section 3.4). Having reviewed the record, the Panel finds that the Respondent's registration and use of the disputed domain name constitute bad faith under 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 <frida-fertility.com> be transferred to the Complainant.

/Ada L. Redondo Aguilera/

Ada L. Redondo Aguilera

Sole Panelist

Date: October 2, 2025