

ADMINISTRATIVE PANEL DECISION

Herbalife International, Inc. v. Chu Thanh Hai
Case No. D2025-3837

1. The Parties

Complainant is Herbalife International, Inc., United States of America (“United States”), represented by T & G Law Firm LLC, Viet Nam.

Respondent is Chu Thanh Hai, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <dinhduongherbalife.com> (the “Domain Name”) is registered with Mat Bao Corporation (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 20, 2025. On September 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On September 25, 2025, the Registrar transmitted by email to the Center its verification response confirming that Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to Complainant on September 25, 2025, providing the registrant and contact information disclosed by the Registrar.

The Center verified that the 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 October 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 27, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on October 30, 2025.

The Center appointed Clive L. Elliott K.C. as the sole panelist in this matter on November 24, 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 is a United States corporation having its offices at Los Angeles, California, United States.

It is a manufacturer and retailer of dietary supplements, nutritional supplements, and personal care products marketed and sold under the HERBALIFE trade mark ("Complainant's Mark") since 1980.

It operates in more than 90 countries worldwide with USD 5 billion net sales in 2024.

Complainant's Mark, registered to Complainant include, but are not limited to:

Trade Mark	Jurisdiction	Registration No.	Registration Date	Classes
HERBALIFE	United States	1254211	October 18, 1983	3, 5
HERBALIFE	United States	1969346	April 23, 1996	9, 18, 21, 25, 32, 42
	Viet Nam	215171	November 18, 2013	3, 5, 29, 30, 32, 35
	Viet Nam	215367	November 20, 2013	3, 5, 29, 30, 32, 35
HERBALIFE	Viet Nam	12123	June 8, 1994	3, 5
HERBALIFE	Viet Nam	72611	June 6, 2006	3, 5

Complainant is also the owner of the domain name <herbalife.com>, registered on February 23, 1998, and used to promote its products and business, and has continuously operated its primary website under this domain name since then.

Complainant's Mark is also the company name and trade name of Complainant, Herbalife International, Inc and its other affiliates, such as Herbalife Vietnam Single Member Limited Liability Company, Herbalife Sweden Aktiebolag AB, etc. Complainant's Mark has been associated with all activities in Complainant's areas of operation and has been used consistently and continuously over a long period of time.

Complainant's brands have been present in the Vietnamese market for 16 years and are well-known in Viet Nam where Respondent resides. Complainant does not offer its products for sale through traditional channels such as supermarkets, grocery stores, or online, but rather through its extensive and exclusive distribution system.

According to the publicly available Whois the Domain Name was registered on December 11, 2024. The Domain Name previously resolved to a website that prominently displayed Complainant's Mark and purportedly offered discounted products bearing such marks.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Notably, Complainant contends that the Domain Name is confusingly similar to Complainant's Mark in that the Domain Name contains Complainant's Mark in its entirety together with the generic word "Dinhduong", which in Vietnamese translates to "nutrition".

Complainant states that Respondent has no rights or legitimate interests in the Domain Name as Complainant has not authorised or otherwise permitted Respondent to use Complainant's Mark or any variation of it. Further, Complainant contends that it can find no evidence of Respondent being commonly known by the Domain Name. Complainant goes on to assert that Respondent is not making a legitimate noncommercial or fair use of the Domain Name, nor is Respondent making a bona fide offering of goods or services. Complainant contends that the Domain Name used to resolve to a website that prominently displayed Complainant's Mark and offered discounted products bearing such mark. Respondent has failed to include any clear and conspicuous disclaimer accurately disclosing its relationship with Complainant, and furthermore, the website incorporated Complainant's Mark, logo, and corporate information.

Complainant states that these actions of Respondent collectively give rise to a false impression of association and create a substantial likelihood of consumer confusion regarding the origin, sponsorship, or endorsement of the website, and the public may be misled into believing that a commercial relationship or affiliation exists between Respondent and Complainant when in fact no such relationship exists.

Complainant submits that Respondent must have had actual knowledge of Complainant's Mark as Complainant already had a presence in more than 90 countries, including Viet Nam, at least 44 years prior to Respondent registering the Domain Name. Complainant backs up this submission by saying that it is reasonable to infer that Respondent was cognizant of Complainant and its proprietary rights in the Mark due to the fact that Respondent incorporated Complainant's Mark, logo, and corporate information on the website.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

The first element of the Policy functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between Complainant's Mark and the Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

Complainant has established its rights in respect of a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

While not identical, the Domain Name is confusingly similar to Complainant's Mark, insofar as the Domain Name contains Complainant's Mark in its entirety, together with the word "dinhduong", which in Vietnamese translates to "nutrition". The Panel is therefore satisfied that the Domain Name is confusingly similar to Complainant's Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

While the addition of the above word “dinhduong” may be relevant in terms of assessing the second and third elements, it does not, in and of itself, prevent a finding of confusing similarity between the 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 Respondent may demonstrate rights or legitimate interests in the 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 respondent lacks rights or legitimate interests, the burden of production on this element shifts to respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the Domain Name (although the burden of proof always remains on complainant). If respondent fails to come forward with such relevant evidence, complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

The Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name. Respondent has failed to rebut Complainant’s prima facie showing and has not supplied any argument or any relevant evidence demonstrating rights or legitimate interests in the Domain Name, such as those enumerated in the Policy or otherwise.

Of relevance in the present case, it is alleged that the Domain Name used to resolve to a website that prominently displayed Complainant’s Mark and purportedly offered discounted products bearing such mark and the website contains no statement indicating that Respondent was not associated with or authorised to sell Complainant’s products.

This allegation suggests that Internet users may be led to believe that the said website is affiliated with or endorsed by Complainant, contrary to the fact. Having found that the Domain Name is confusingly similar to Complainant’s Mark in that the Domain Name contains the descriptive word “dinhduong”, which in Vietnamese translates to “nutrition”, this is likely to add to the risk that the Domain Name falsely implies a connection with Complainant.

Such activity on its own is not indicative of any rights or legitimate interests. Instead, it carries a risk that the Domain Name may be used to impersonate Complainant. In addition, in the Panel’s view, the composition of the Domain Name carries a risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

Accordingly, 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.

Complainant asserts that it has manufactured and sold dietary and nutritional supplements and other like products under the HERBALIFE trade mark since 1980 and now operates in 90 countries, including Viet Nam. Complainant also has registered trade mark rights in a number of countries, including Viet Nam, all of which predate the registration date of the Domain Name. The Panel notes the composition of the Domain Name, incorporating Complainant’s Mark and using the Domain Name to sell discounted goods manufactured by Complainant, allows the inference to be drawn that Respondent knew of and sought to take advantage of Complainant’s Mark when registering the Domain Name, and Respondent has done nothing to refute that inference.

Further, the Panel considers that there is a risk that communications originating from or associated with the Domain Name would be misleading or deceptive, falsely suggesting a connection with Complainant.

Having reviewed the record, the Panel finds Respondent's registration and use of the Domain Name constitute bad faith under paragraph 4(b)(iv) of the Policy.

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 Domain Name <dinhduongherbalife.com> be transferred to Complainant.

/Clive L. Elliott K.C./

Clive L. Elliott K.C.

Sole Panelist

Date: December 16, 2025