

ADMINISTRATIVE PANEL DECISION

Herbalife International, Inc. v. Dad Rich
Case No. D2025-3838

1. The Parties

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

The Respondent is Dad Rich, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <thucphamchucnangherbalife.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 September 20, 2025. On September 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 24, 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 September 25, 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 September 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 October 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 26, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 28, 2025.

The Center appointed Gill Mansfield as the sole panelist in this matter on October 31, 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 USA headquartered company engaged in the manufacture and sale of dietary supplements, nutritional supplements and personal care products. The HERBALIFE brand was founded in 1980 and the Complainant operates in over 90 countries worldwide. In 2024 it achieved net sales of USD 5 billion and in Q2 of 2025 it achieved net sales of USD 1.3 billion.

The Complainant has registrations for the HERBALIFE trademark, including (inter alia):

- United States trademark registration number 1254211 for HERBALIFE (word mark) registered on October 18, 1983, in classes 3 and 5.
- United States trademark registration number 1969346 for HERBALIFE (word mark) registered on April 23, 1993, in classes 18, 21, 25, 32 and 42.
- Vietnamese trademark registration number 12123 for HERBALIFE (word mark) registered on June 8, 1994, in classes 3 and 5.

The Complainant operates a website from the domain name <herbalife.com> which provides information about the Complainant's company, its history and policies, as well as its products and the sales systems for the Complainant's products. The domain name was registered by the Complainant on February 23, 1998.

The disputed domain name was registered on October 11, 2022. It previously resolved to an active website which prominently featured the HERBALIFE trademark and appeared to offer for sale products featuring the HERBALIFE trademark. Additionally, the website at the disputed domain name featured product images with the text "HERBALIFE Independent Distributor", as well as the copyright notice "Copyright © 2025 Thực phẩm chức năng Herbalife giảm cân giá rẻ (which, according to Google Translate, translates to "Herbalife functional foods for weight loss at cheap prices" in English). At the date of this decision the disputed domain name resolved to an inactive web page.

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 confusingly similar to a trademark in which the Complainant has rights. The Complainant refers to its international registrations for the HERBALIFE trademark, and its long standing and continuous use of the HERBALIFE brand. It asserts that the disputed domain name comprises three elements. Firstly, the word "herbalife" which it contends is the main word in the disputed domain name and is identical to the Complainant's HERBALIFE trademark. Secondly, the term "thucphamchucnang" which the Complainant states is a generic non-distinctive Vietnamese word that translates into English as "supplements", and thirdly the generic top-level domain (gTLD) ".com" which, the Complainant submits based on Section 1.1.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), should be disregarded under the first element confusing similarity test.

The Complainant also states that it has been present in the Vietnamese market (where, based on the records of the Registrar, the Respondent appears to be located) for 16 years, that the Complainant distributes its products to a wide range of consumers in Viet Nam, and is well-known in Viet Nam.

It contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It points out that the Complainant's rights in the HERBALIFE mark pre-date the Respondent's registration of the disputed domain name. It states that there is no evidence that the Complainant authorised or otherwise permitted the Respondent to make use of the HERBALIFE trademark or a variation of it. It contends that, as such, the use of the Complainant's mark in the disputed domain name is not a legitimate use. It further contends that there is no evidence that the Respondent has been commonly known by the disputed domain name or is making a legitimate noncommercial or fair use of the disputed domain name.

The Complainant states that the disputed domain name previously resolved to a website that prominently displayed the Complainant's HERBALIFE trademark, logo and corporate information, and offered for sale discounted products bearing the HERBALIFE trademark. It contends that this is not a bona fide offering of goods or services, and that these actions give rise to a false impression of association and create a likelihood of consumer confusion.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. It states that the Respondent registered the disputed domain name 42 years after the Complainant started to use the HERBALIFE marks and 24 years after the Complainant's domain name <herbalife.com> was registered. It refers to the Complainant's global presence and argues that it is reasonable to infer that the Respondent knew of the Complainant and its marks at the time that the disputed domain name was registered. It also points to the fact that the website to which the disputed domain name previously resolved, incorporated the Complainant's trademarks, logo and corporate information and purported to sell products bearing the HERBALIFE trademark. The Complainant submits that this is likely to create a false association with the Complainant and mislead the public into believing that the site is an official or authorised site of the Complainant.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy the Complainant carries the burden of proving:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark which the Complainant has rights; and
- (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 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.

The entirety of the mark is reproduced within the disputed domain name. 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 applicable Top-Level Domain ("TLD") in a domain name is a standard registration requirement and as such the TLD ".com" in the disputed domain name is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

Although the addition of other terms (here, the addition of the Vietnamese term “thucphamchucnang”) may bear on assessment of the second and third elements, the Panel finds the addition of such term 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 name. 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 name such as those enumerated in the Policy or otherwise.

In particular, there is no evidence that the Complainant authorised, licensed or otherwise permitted the Respondent to use the HERBALIFE trademark or any variation of the HERBALIFE trademark. There is no evidence that the Respondent is commonly known by the disputed domain name. The Panel notes that the name provided to the Registrar by the Respondent is “Dad Rich”. There is also no evidence of use, or demonstrable preparation to use, the disputed domain name for a bona fide offering of goods and services, or of any legitimate noncommercial or fair use of the disputed domain name.

On the contrary, the record shows that the disputed domain name previously directed to an active website (the “website”) that prominently featured the Complainant’s HERBALIFE trademark and logo, corporate information and purported to sell HERBALIFE branded products at discounted prices. Having regard to all the circumstances, the Panel finds that the use of the disputed domain name by the Respondent cannot be characterised as a bona fide offering of goods and services. The Panel further notes the claim on the website that it is an “Independent Distributor” of various products and the copyright notice at the bottom of the webpage, and finds that the Respondent does not meet the criteria outlined in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) (the “Oki Data Test”). Whilst it is not possible for the Panel to determine from the available record whether or not the website was selling genuine trademarked goods of the Complainant, the Panel notes, in any case, the lack any disclaimer making clear the absence of any relationship with the Complainant. The Panel finds that, the site does not accurately and prominently disclose the Respondent’s relationship with the Complainant. [WIPO Overview 3.0](#), section 2.8.1.

Moreover, the disputed domain name consists of the Complainant’s HERBALIFE trademark combined with the descriptive Vietnamese term “thucphamchucnang” (which, according to Google Translate, translates into English as “functional foods” and which calls to mind the types of nutritional and food supplement products that the Complainant manufactures and sells). The Panel finds that the composition of the disputed domain name is such as to carry a risk of implied affiliation which cannot constitute fair use, as it effectively impersonates the Complainant, or suggests affiliation with or sponsorship or endorsement by the Complainant ([WIPO Overview 3.0](#), section 2.5.1).

Further, according to paragraph 14(b) of the rules, the Panel may draw from the lack of response of the Respondent such inferences as it considers appropriate. The Panel is of the view that the lack of response from the Respondent corroborates the absence of any rights or legitimate interests of the Respondent in the disputed domain name.

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.

In the present case, the Panel notes the Complainant's long history and that the disputed domain name was registered decades after the Complainant's first registration of the HERBALIFE trademark. Having reviewed the available record, the Panel finds that the Complainant's marks have achieved significant goodwill and reputation and are well-known worldwide. In view of the worldwide reputation in the Complainant's trademarks, it is implausible that the Respondent did not have knowledge of the Complainant's trademarks at the time the disputed domain name was registered.

Moreover, the Respondent's actions demonstrate the Respondent's knowledge and targeting of the Complainant's brand and trademarks. As noted above, the available record shows that the disputed domain name previously resolved to a website that prominently displayed the logos, registered trademark and corporate information of the Complainant, and purported to offer for sale discounted products bearing the HERBALIFE trademark.

The Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of the Respondent's website or products or services on the Respondent's website under paragraph 4(b)(iv) of the Policy.

The current non-use of the disputed domain name, in the circumstances of this case, does not change the Panel's finding as to the Respondent's bad faith. [WIPO Overview 3.0](#), section 3.3.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes 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 <thucphamchucnangherbalife.com> be transferred to the Complainant.

/Gill Mansfield/

Gill Mansfield

Sole Panelist

Date: November 14, 2025