

ADMINISTRATIVE PANEL DECISION

Herbalife International, Inc. v. Nguyễn Tiến Dũng
Case No. D2025-3875

1. The Parties

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

Respondent is Nguyễn Tiến Dũng, Viet Nam.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 23, 2025. On September 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 27, 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 (Private Whois) and contact information in the Complaint. The Center sent an email communication to Complainant on September 29, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on October 3, 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 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. An individual having the same name as Respondent sent email communications to the Center from an email address different from the one confirmed by the Registrar on October 14, 2025 and November 5, 2025, respectively. The Center notified the Parties of the commencement of the Panel Appointment Process on October 27, 2025.

The Center appointed Marina Perraki as the sole panelist in this matter on November 5, 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.

After reviewing the case file, the Panel finds that email communications dated October 14, 2025 and November 5, 2025 were sent by Respondent for the reasons given under section 5.B. On November 19, 2025, the Panel issued the Procedural Order No. 1 requesting Complainant to confirm by November 21, 2025 whether or not it would like to explore the possibility of settlement with Respondent, and if the Center did not receive any comment from Complainant by November 21, 2025, the Panel shall proceed to issue a decision on the merits. On November 20, 2025, the individual having the same name as Respondent sent an email communication to the Center. The Center did not receive any communication from Complainant.

4. Factual Background

Complainant was founded in 1980 and is active in the field of dietary and nutritional supplements and personal care products. Complainant's products have been present in the Vietnamese market for 16 years. Complainant owns trademark registrations for HERBALIFE, including the United States of America trademark registration No. 1254211, HERBALIFE (word), filed on August 15, 1980 and registered on October 18, 1983 for goods in international classes 3 and 5, and the Vietnamese trademark registration No. 12123, HERBALIFE (word) registered on June 8, 1994 for goods in international classes 3 and 5. To promote its products and business, the Complainant registered the domain name <herbalife.com> in 1998.

The disputed domain name was registered on September 27, 2024. At the time of filing of the Complaint, the disputed domain name led to a website (the "Website") prominently displaying Complainant's trademarks and purportedly selling products bearing those trademarks at discounted prices. The Website did not include any information on Respondent, but it contained the corporate details of Complainant. It further featured an introduction of Complainant and mentioned also Complainant's affiliate in Viet Nam, claiming to be a distributor of such company. Currently, the disputed domain name leads to an inactive website.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

In particular, Complainant asserts that Respondent has expressly acknowledged their infringement of Complainant's HERBALIFE trademarks in response to a cease-and-desist letter issued by Complainant's legal counsel and agreed to transfer the disputed domain name to Complainant on July 29, 2025. However, Respondent has failed to respond to any further communications from Complainant and has continued to use the disputed domain name to sell HERBALIFE branded products.

The Panel notes that the person who signed the agreement has an apparently different name than the one confirmed by the Registrar. The Panel further observes that in the original agreement in Vietnamese, the printed domain name is a .VN domain name with the disputed domain name handwritten in the agreement.

B. Respondent

On October 14, 2025, an individual with the name of Respondent sent an email communication to the Center in Vietnamese from an email address different from the one confirmed by the Registrar indicating that he received the Written Notice; he did not fully understand the Written Notice sent by the Center, however he

knew the basic content which was related to the disputed domain name; and he agreed to transfer or cancel the disputed domain name as requested by Complainant.

Upon receipt of the Center's email requesting this individual to clarify his relationship with Respondent noting they have different email addresses, this individual sent another email communication to the Center in Vietnamese on November 5, 2025, indicating that he did not regularly use emails and reiterated that he agreed to transfer or cancel the disputed domain name as requested by Complainant.

Although this individual has a different email address from the one confirmed by the Registrar, the Panel notes that this individual has the same name as Respondent and his email address also contains the elements "herballife" and "congty" as those in the email address of Respondent confirmed by the Registrar. Moreover, this individual received the Written Notice, claimed to understand the basic content of the Written Notice and agreed to transfer or cancel the disputed domain name to Complainant.

On November 20, 2025, after the Panel's Procedural Order No.1, this individual sent another email communication to the Center indicating that he finally understood the issue here and he said that he could not remember the email address used to register the disputed domain name because someone else registered the disputed domain name for him.

Considering the above, the Panel finds that these email communications were sent by Respondent.

Except for the above email communications, Respondent did not formally reply to Complainant's contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy lists three elements, which Complainant must satisfy with respect to the disputed domain name:

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

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 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.

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.

Although the addition of other terms here, "congty" which, per Complaint, is a Vietnamese word meaning "company", 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 generic Top-Level Domain (“gTLD”) “.com” is disregarded, as gTLDs typically do not form part of the comparison test under the first element as they are required for technical reasons (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#); *Hay & Robertson International Licensing AG v. C. J. Lovik*, WIPO Case No. [D2002-0122](#)).

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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

On the contrary, as Complainant has demonstrated, the disputed domain name resolved to the Website, which featured Complainant’s marks, logos and company information of an affiliate of Complainant in Viet Nam and purportedly offered for sale HERBALIFE branded products.

Panels have held that the use of a domain name for illegal activity, here, claimed impersonation/passing off, or other types of fraud can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

The Panel concludes that Respondent has registered and used the disputed domain name in bad faith. As regards bad faith registration of the disputed domain name, considering the use of the HERBALIFE marks on the Website with the content impersonating Complainant, the Panel finds that Respondent had Complainant and its mark in mind when registering the disputed domain name.

As regards bad faith use of the disputed domain name, Complainant has demonstrated that the disputed domain name has been used to resolve to the Website, which prominently displayed Complainant's trademarks, logos and company information of its affiliate in Viet Nam and contented to be the distributor of such affiliate and purportedly offered for sale HERBALIFE branded products. The dispute domain name has therefore been used to intentionally create a likelihood of confusion with Complainant's mark and business as to the source, sponsorship, affiliation, or endorsement of the Website, for Respondent's commercial gain. Such use is in support of bad faith within the meaning of paragraph 4(b)(iv) of the Policy (*Booking.com BV v. Chen Guo Long*, WIPO Case No. [D2017-0311](#); *Ebel International Limited v. Alan Brashear*, WIPO Case No. [D2017-0001](#); *Walgreen Co. v. Muhammad Azeem / Wang Zheng, Nicenic International Group Co., Limited*, WIPO Case No. [D2016-1607](#); *Oculus VR, LLC v. Sean Lin*, WIPO Case No. [DCO2016-0034](#); and [WIPO Overview 3.0](#), section 3.1.4).

Panels have held that the use of a domain name for illegal activity here, claimed impersonation/passing off, or other types of fraud constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. The current non-use of the disputed domain name does not change the Panel's finding of Respondent's bad faith.

Having reviewed the record, the Panel finds Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds the third element of the Policy has been established.

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 <herbalifecongty.com> be transferred to Complainant.

/Marina Perraki/

Marina Perraki

Sole Panelist

Date: November 24, 2025