ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
BIO PAK Nutraceuticals Contract Manufacturing Ltd. v. tarry voos
Case No. D2025-3907

1. The Parties

The Complainant is BIO PAK Nutraceuticals Contract Manufacturing Ltd., Slovenia, represented by Maja Marija Kunstelj, Slovenia.

The Respondent is tarry voos, Hong Kong, China.

2. The Domain Name and Registrar

The disputed domain name <carniumbotanicals.com> is registered with Spaceship, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 25, 2025. On September 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 25, 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 (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 26, 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 amendment to the Complaint on September 26, 2025.

The Center verified that the Complaint together with the amendment to 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 the Respondent of the Complaint, and the proceedings commenced on September 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 19, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 21, 2025.

The Center appointed Mireille Buydens as the sole panelist in this matter on October 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

The Complainant is a family business based in Slovenia. The Complainant manufactures food supplements and cosmetics in its production facility in Slovenia for third parties (to be sold under their brand names) as well as on its own behalf under the CARNIUM BOTANICALS brand (hereafter "the CARNIUM BOTANICALS Trademark" or "the Trademark"). They are notably sold online on various resellers websites as well as on the Complainant's websites under the domain names <carniumbotanicals.fr>, <carniumbotanicals.bg>, <carniumbotanicals.de> etc.

The Complainant owns a European Union Trademark registration No. 018037012 for the trademark CARNIUM BOTANICALS filed on March 18, 2019, and registered on August 22, 2019.

The disputed domain name was registered on March 18, 2019. According to the Complaint, the disputed domain name was first offered for sale through an aftermarket platform for an amount of USD 3,000. At the time of this Decision, it is still offered for sale for USD 99.99.

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.

First, the Complainant contends that the disputed domain name is identical to the Trademark as it contains the Trademark in its entirety, without any modification or addition.

Second, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name as, to the best of the Complainant's knowledge, no other legal entity has been using and is using the disputed domain name for offering goods or services. There could be no bona fide use of the domain name, since the Complainant's CARNIUM BOTANICALS Trademark is registered and linked to the Complainant (its geographical provenance, Carnium, and its products, Botanicals).

Third, the Complainant asserts that the disputed domain name was registered and is being used in bad faith. The Respondent was offering the disputed domain name for sale, through an aftermarket platform, for an amount of USD 3,000. Besides, the disputed domain name was registered on the same date as the filing date of the CARNIUM BOTANICALS Trademark of the Complainant (March 18, 2019).

B. Respondent

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

6. Discussion and Findings

6.1. Procedural Aspect - Failure to Respond

Under the Rules, paragraphs 5(f) and 14(a), the effect of a failure to submit a response by the Respondent is that, in the absence of exceptional circumstances, the Panel shall proceed to a decision on the basis of the Complaint.

Under paragraph 4(a) of the Policy, it is the Complainant's burden to establish that all three of the required criteria for a transfer of the disputed domain name have been met, even in the absence of a response.

Under paragraph 14(b) of the Rules, the Panel is empowered to draw such inferences from the Respondent's failure to file a response as it considers appropriate under the circumstances.

In this case, the Panel finds that the Respondent has failed to rebut any of the reasonable factual assertions that are made and supported by evidence submitted by the Complainant. In particular, by failing to respond, the Respondent has failed to offer the Panel any of the types of evidence set forth in paragraph 4(c) of the Policy or otherwise, from which the Panel might conclude that the Respondent has any rights or legitimate interests in the disputed domain name, such as making legitimate noncommercial or fair use of the disputed domain name.

6.2. Three Elements under Paragraph 4(a) of the Policy

Paragraph 4(a) of the Policy provides that the Complainant proves each of the following three elements to succeed in its Complaint:

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

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 for the purposes of the Policy. WIPO Overview 3.0, section 1.2.1.

The entirety of the CARNIUM BOTANICALS Trademark is reproduced within the disputed domain name, without any modification or addition. Accordingly, the disputed domain name is identical to the Trademark for the purposes of the Policy. WIPO Overview 3.0, section 1.7.

Regarding the generic Top-Level-Domain ("gTLD") ".com", it is well established that a gTLD may be disregarded for the purposes of assessment under the first element, as it is viewed as a standard registration requirement.

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. There is no evidence that the Respondent is commonly known by the disputed domain name, nor is there any evidence of use or demonstrable preparations to use the disputed domain name for a bona fide offering of goods or services. There is no evidence of legitimate noncommercial or fair use of the disputed domain name, either. It results from the Complainant's contentions that the Respondent is not a licensee of the Complainant, nor affiliated with the Complainant, nor authorized by the Complainant to file and use the disputed domain name. While aggregating and holding for resale domain names consisting of dictionary words or common phrases can be bona fide and is not per se illegitimate under the Policy, noting the Panel findings under the third element below, the Panel concludes that the second element has been established.

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.

In the present case, the Panel notes that the disputed domain name is identical to the Complainant's CRINIUM BOTANICALS Trademark, which refers to the Complainant's location ("Carnium" is the historical name for the modern-day city of Kranj in Slovenia, where the Complainant is located) and to the Complainant's products ("botanicals" referring to the claimed ingredients of the Complainant's products). The conjunction of these two words in the disputed domain name can hardly be seen as the result of chance and, at the very least, calls for explanation from the Respondent. Besides, the disputed domain name was registered on the same day as the filing by the Complainant of its application for the European Union Trademark CARNIUM BOTANICALS. As a result, in the absence of any explanation by the Respondent for its choice of the disputed domain name, the Panel finds it more likely than not that by registering the disputed domain name and offering it for sale the Respondent has intended to capitalize on the Complainant's nascent trademark rights. WIPO Overview 3.0 section 3.8.2.

According to paragraph 4(b) of the Policy, the Panel shall consider that the disputed domain name has been registered and used in bad faith if there are circumstances indicating that the respondent has registered the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name. In the present case, the Complainant has provided evidence that the disputed domain name was offered for sale through an

aftermarket platform for an amount of USD 3,000, which is a price likely well over the out-of-pocket costs directly related to the disputed domain name.

These circumstances, taken together, indicate the Respondent's bad faith in registering and using the disputed domain name.

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 <carniumbotanicals.com> be transferred to the Complainant.

/Mireille Buydens/
Mireille Buydens
Sole Panelist
Date: November 2, 2025