

## **ADMINISTRATIVE PANEL DECISION**

TheMediumwitch, LLC v. Smart Evolutionary Technology SET, Smart Evolutionary Technology  
Case No. D2025-4063

### **1. The Parties**

The Complainant is TheMediumwitch, LLC, United States of America (“United States”), represented by Marks Gray, P.A., United States.

The Respondent is Smart Evolutionary Technology SET, Smart Evolutionary Technology, Cameroon.

### **2. The Domain Name and Registrar**

The disputed domain name <mediumpriestess.com> (the “Domain Name”) is registered with Hostinger Operations, UAB (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 3, 2025. On October 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On October 8, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

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 the Respondent of the Complaint, and the proceedings commenced on October 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 29, 2025. The Respondent sent email communications to the Center on October 9 and October 16, 2025. Accordingly, the Center notified the Parties about the commencement of panel appointment process on October 30, 2025.

The Center appointed Ian Lowe as the sole panelist in this matter on November 4, 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 claims it has been in business since May 11, 2021, providing services to aid consumers with reconciliation between lovers, obsession, domination and more. The services include spell consultations, spells and tarot card readings. The business also sells products such as body oils, candles, herbs, love spell kits, sugar scrubs, and body butter.

The Complainant started using the THEMEDIUMPRIESTESS mark (the “Mark”) in May 2021 and since then has promoted its goods and services under the Mark through a number of channels, including Instagram (21,600 followers) and TikTok (262,500 followers); Facebook (1,100 followers) and Linktree – since May 2022; and YouTube (589 subscribers) – since January 2025.

It has been selling its goods and services through the Stan Store since February 2023. According to the Complainant, in 2023 approximately USD 998,000 of products and services were sold under the Mark and in 2024 over USD 1.4 million in products and services.

The Complainant filed United States Trademark Application Serial No. 99403188 for the Mark on September 19, 2025, claiming first use in May 2021.

The Domain Name was registered on July 17, 2025. It currently resolves to a holding page hosted by the Registrar, but the Complainant has adduced evidence that at the time of preparation of the Complaint the Domain Name resolved to a website (the “Respondent’s Website”) impersonating the Complainant and purporting to offer products and services identical to those offered by the Complainant using text and descriptions identical to those used by the Complainant, and offering a chat function under a name of the Complainant’s founder.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant contends that the Domain Name is confusingly similar to its unregistered Mark, that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered and is using the Domain Name in bad faith.

##### **B. Respondent**

The Respondent did not reply formally to the Complainant’s contentions. The email communications to the Center on October 9 and October 16, 2025, stated that the registrant of the Domain Name had built the Respondent’s Website for a client who was not using it and had therefore deleted it, and that the Respondent was only providing hosting services.

#### **6. Discussion and Findings**

The Panel finds that in its email communications of October 9 and October 16, 2025, the Registrar-confirmed Respondent has not provided sufficient details to amount to a disclosure of the identity of the alleged beneficial holder of the Domain Name nor any contact information. The Panel does not consider in these circumstances that the Registrar-disclosed registrant, Smart Evolutionary Technology SET, Smart Evolutionary Technology, can properly be removed as the Respondent in the proceedings.

For this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

- (i) the 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 Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

#### **A. Identical or Confusingly Similar**

Although the Complainant does not rely on any registered trademarks, it has adduced evidence that it has carried on business under the Mark since May 2021 and accordingly claims common law trademark rights in the Mark through its continuous use of the Mark since that date. The fact that the Respondent has clearly targeted the Mark, based on the website to which the Domain Name previously resolved, supports the Complainant's contention that the Mark has achieved significance as a source identifier. [WIPO Overview 3.0](#), sections 1.3 and 1.15.

The Panel is satisfied on balance that the Complainant has established common law trademark rights in the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3.

Ignoring the generic Top-Level Domain “.com”, the Domain Name incorporates the entirety of the Mark with the omission of the definite article “the”. The Panel finds that this omission does not prevent a finding of confusing similarity between the Domain Name and the Mark. [WIPO Overview 3.0](#), section 1.8.

Accordingly, the Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights, and 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. Accordingly, 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.

The Complainant has made out a strong prima facie case that the Respondent lacks rights or legitimate interests in the Domain Name. The Respondent is not authorized by the Complainant to use its trademark, is not commonly known by the Domain Name, and there is no evidence of any Respondent's trademark or service mark rights in “mediumpriestess” or related terms. The Respondent has not used the Domain Name for a bona fide offering of goods or services but for a website impersonating the Complainant and offering identical products and services to those provided by the Complainant.

The Respondent has chosen not to substantively respond to the Complaint or to provide any evidence of rights or legitimate interests in the Domain Name.

In the circumstances, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the 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.

Since the Domain Name is nearly identical to the Mark, save for the omission of the definite article, and in light of the use to which the Respondent has put the Domain Name impersonating the Complainant, the Panel is in no doubt that the Respondent had the Complainant and its rights in the Mark in mind when it registered the Domain Name.

Furthermore, the Respondent has used the Domain Name for a website purporting to offer identical products and services to those of the Complainant, while using a personal name of the Complainant's founder. Such conduct falls within paragraph 4(b)(iii) of the Policy as use of the Domain Name to disrupt the Complainant's business, and also within paragraph 4(b)(iv) as attracting Internet users to the Respondent's Website by creating a likelihood of confusion with the Complainant's mark.

Accordingly, the Panel finds that the Domain Name has been registered and is being used in bad faith, and the third element of the Policy has been established. The current non-use of the Domain Name would not prevent a finding of bad faith under 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 <mediumpriestess.com> be transferred to the Complainant.

*/Ian Lowe/*

**Ian Lowe**

Sole Panelist

Date: November 18, 2025