

## **ADMINISTRATIVE PANEL DECISION**

### **LABORATOIRE TERRAVITA v. Earl Wooten**

#### **Case No. D2025-4107**

#### **1. The Parties**

The Complainant is LABORATOIRE TERRAVITA, France, represented by Coblence Avocats, France.

The Respondent is Earl Wooten, United States of America.

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

The disputed domain name <terravitacare.com> is registered with Wix.com Ltd. (the “Registrar”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 8, 2025. On October 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 13, 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 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 4, 2025. On November 6, 2025, the Center transmitted by email the Notification of Respondent Default. The Respondent sent two short email communications to the Center on November 6 and 7, 2025.

The Center appointed Fabrizio Bedarida as the sole panelist in this matter on November 14, 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, a French simplified joint-stock company, specializes in selling beauty products and food supplements under the trademarks TERRAVITA and TERRANATURA, notably through its website at "www.terravita.fr".

The Complainant is, inter alia, the owner of:

International Trademark registration number 1601286 for the TERRAVITA (word) trademark, designating European Union and the United Kingdom registered on March 10, 2021.

The Complainant has also submitted a list of domain names containing the TERRAVITA trademark, including <terravita.fr> (registered on March 27, 2016).

The disputed domain name was registered on August 2, 2025. Based on the evidence submitted by the Complainant, the disputed domain name previously resolved to a page where cosmetic products such as soap and butter balms were offered for sale under the TERRA VITA brand. According to the Complainant, the products offered on the Respondent's site compete with some of the Complainant's products.

On September 5, 2025, the Complainant's representative sent the Respondent a cease and desist letter which remains unanswered.

#### **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 addition of the term "care" in the disputed domain name is not sufficient to prevent the finding of confusing similarity with the Complainant's trademark; that the Respondent's use of the disputed domain name for a website offering for sale goods competing with those of the Complainant does not give rise to rights or legitimate interests; and that bad faith registration and use should be found, as the Respondent registered the disputed domain name and used the Complainant's TERRAVITA trademark on the corresponding website while being aware of the Complainant's trademark rights, with the intent to take advantage of and capitalize on the Complainant's well-known trademark.

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

The Respondent did not formally reply to the Complainant's contentions. In fact, the Respondent sent two almost identical emails, respectively on November 6 and 7, 2025, announcing solely that the website had been deleted.

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

In order for the Complainant to obtain a transfer of the disputed domain name, paragraph 4(a) of the Policy requires that the Complainant must demonstrate to the Panel that:

- (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 or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the TERRAVITA mark is incorporated entirely and recognizable 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, "care", 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.

The Panel notes that the composition of the disputed domain name, which incorporates the Complainant's trademark together with the term "care" (for a website offering cosmetic products competing with those of the Complainant) affirms the Respondent's intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant's mark as to the origin or affiliation of the website at the disputed domain name, and as such, the disputed domain name cannot qualify as fair use.

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, as discussed below, it is highly likely that the Respondent was aware of the Complainant's trademark registrations and rights to the TERRAVITA trademark when it registered the disputed domain name.

The disputed domain name contains in its entirety, without any relationship, authorization or approval by the Complainant, the Complainant's registered TERRAVITA trademark combined with the term "care".

It is unlikely that the Respondent was not aware of the existence of the Complainant, or of the Complainant's trademark and domain name, when registering the disputed domain name.

In fact, the Complainant's TERRAVITA trademark as well as the domain names comprising "terravita" were registered several years before the Respondent registered the disputed domain name.

Noting also the composition of the disputed domain name, which incorporates the Complainant's trademark along with the additional term "care", combined with the fact that the Respondent's website is used to offer for sale under the "Terra Vita" brand products competing with those of the Complainant, it is more likely than not that the Respondent, when registering the disputed domain name, had knowledge of the Complainant's prior rights to the TERRAVITA trademark. The Panel is therefore satisfied that the Respondent has registered the disputed domain name in bad faith.

Further, by using the disputed domain name, the Panel notes 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. Such use constitutes bad faith pursuant to paragraph 4(b)(iv) of the Policy.

In addition, it appears from the case record that the Respondent has not replied to the Complainant's representative's cease and desist letter, and this is another element from which bad faith can be inferred.

The bad faith registration and use of the disputed domain name are further supported by the fact that the Respondent has not denied the assertions of bad faith made by the Complainant in these proceedings.

In fact, the Respondent in its informal emails to the Center has solely informed to have deleted the website.

The Panel finds that the Respondent's deletion of the website as stated in its emails of November 6 and 7, 2025 suggests that the Respondent was acting in bad faith when registering and using the disputed domain name, and is further indicative of it having no rights or legitimate interests in the disputed domain name.

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

*/Fabrizio Bedarida/*

**Fabrizio Bedarida**

Sole Panelist

Date: November 26, 2025