

## **ADMINISTRATIVE PANEL DECISION**

Global Brother SRL v. Volodymyr Makhynia  
Case No. D2025-4121

### **1. The Parties**

The Complainant is Global Brother SRL, Romania, represented by IPMatters OÜ, Estonia.

The Respondent is Volodymyr Makhynia, Ukraine.

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

The disputed domain name <homeapothecary.store> (the “Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 8, 2025. On October 9, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On October 10, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 14, 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 October 14, 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 October 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 6, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 12, 2025.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on November 17, 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 to ensure compliance with the Rules, paragraph 7.

#### **4. Factual Background**

The Complainant's main field of activity is e-commerce, in particular online sales, distribution, and publishing books, printed and digital materials. The company provides book editing, professional cover design, assignment and registration of ISBNs, printing and physical distribution (including via online stores on platforms such as Amazon). The Complainant and its products are in more than 30 European countries and available in translation into six languages.

One of the Complainant's publications is "Forgotten Home Apothecary: 250 Powerful Remedies at Your Fingertips", a guide to herbal remedies. The book was first published in 2024 in the United States of America ("United States") and has since been distributed internationally. It has been awarded "#1 Best Seller in Alternative Medicine Reference" on Amazon. The book is available in library catalogues and for sale by international retailers, including in the United States, Canada, Europe, and Australia. The Complainant operates official websites for the book.

The Complainant owns numerous trademark registrations in HOME APOTHECARY and FORGOTTEN HOME APOTHECARY, such as International Trademark No. 1837802 FORGOTTEN HOME APOTHECARY (registration date November 13, 2024), European Union Trademark (EUTM) No. 019064789 FORGOTTEN HOME APOTHECARY (registered on December 20, 2024) and Chinese Trademark No. 82051650 FORGOTTEN HOME APOTHECARY (application date November 19, 2024, registered on June 07, 2025).

The Complainant operates official websites for the book, including "www.forgottenhomeapothecary.com", and "www.theforgottenhomeapothecary.com".

The Domain Name was registered on March 30, 2025. The Domain Name has resolved to a webpage that presented itself as an official outlet for the Complainant's book, including copied the Complainant's book title and cover, reproduced the Complainant's trademarks and purportedly offered the Complainant's book for sale but at a much lower price.

#### **5. Parties' Contentions**

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

The Complainant provides evidence of trademark registrations and argues that the Domain Name incorporates the dominant part of the Complainant's trademarks. The Domain Name is identical to the trademark HOME APOTHECARY and confusingly similar to the trademark FORGOTTEN HOME APOTHECARY. The omission of the word "forgotten" in the Domain Name does not negate confusion. On the contrary, consumers familiar with the Complainant's book might easily assume the Domain Name's website relates to the Complainant's products.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the Domain Name. The Complainant has never licensed, authorized, or otherwise permitted the Respondent to use the Complainant's trademarks. The Respondent is not affiliated with the Complainant in any way. There is no evidence that the Respondent is commonly known by the name "Home Apothecary" or any variation of it. Currently, the Domain name is inactive. However, it was earlier used for an active website that offered for sale the Complainant's book. Such use is not bona fide. The Respondent's use is not comparable to a reseller who might have some legitimate interests, because the Respondent deliberately created confusion rather than accurately representing itself as an independent reseller. There was no attempt at legitimate resale, including no disclaimers identifying the Respondent as an unrelated third party.

The Complainant argues that it is inconceivable that the Respondent's registration was coincidental or made without knowledge of the Complainant. The timing and context strongly indicate the Respondent targeted the Complainant's trademark. The Respondent clearly had actual knowledge of the Complainant's book and brand at the time of registration. Additionally, the Respondent's use of a privacy service to conceal its identity at the time of registration (and continuously thereafter) can be considered as a further indication of bad faith. Therefore, the Complainant concludes that the Respondent has registered the Domain Name to intentionally attract Internet users to its website for commercial gain, by creating a likelihood of confusion with the Complainant's trademark in the context of the source of the goods offered on the website. The Respondent's use of the Domain Name, as described above, is in itself evidence that the Respondent has tried to create a likelihood of confusion with the Complainant. This is not altered by the fact that the Respondent upon learning about the dispute has removed the content so the Respondent's website for the time being is inactive.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1 Preliminary Matters**

The Panel notes that the Respondent's postal address is stated to be in Ukraine. Noting that Ukraine is subject to an international conflict at the date of this Decision, the Panel is to consider, in accordance with paragraph 10 of the Rules, whether the proceeding should continue.

Under paragraph 10 of the Rules, the Panel is required to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and also that the administrative proceeding takes place with due expedition.

The Panel notes that the courier was not able to deliver the written notice to the Respondent's address in Ukraine. However, the Notification of Complaint was delivered to the Respondent's email address provided by the Registrar without receiving any delivery failure response. Moreover, the Respondent has not opposed the continuation of the proceeding. The Panel takes note that the Domain Name was registered after the outbreak of the international conflict. The Panel further notes that the use of the Domain Name has changed, indicating that the Respondent appears to have had control of the Domain Name. Moreover, as described below, the Panel believes the Respondent has registered the Domain Name in bad faith to target the Complainant and mislead consumers.

The Panel concludes that the Parties have been given a fair opportunity to present their case, and so that the administrative proceeding takes place with due expedition the Panel will proceed to a Decision accordingly.

### **6.2 Substantial Issues**

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

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 Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has established that it has rights in the trademarks HOME APOTHECARY and FORGOTTEN HOME APOTHECARY. In this case, the Domain Name is identical to HOME APOTHECARY, and confusingly similar to FORGOTTEN HOME APOTHECARY. The omission of "forgotten" in the

FORGOTTEN HOME APOTHECARY mark does not prevent a finding of confusing similarity between the Domain Name and the trademark. [WIPO Overview 3.0](#), section 1.7. For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain (“gTLD”). [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds that the Domain Name is confusingly identical and similar to trademarks in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

## **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy provides a list of circumstances in which a respondent may demonstrate rights or legitimate interests in a disputed domain name.

While 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 often impossible 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. 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.

Based on the evidence, the Respondent is not affiliated or related to the Complainant in any way. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired trademark rights. There is no evidence of the Respondent’s use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services. The Respondent’s purported offering of the Complainant’s book does not qualify as fair use by a reseller, inter alia because the Respondent’s website does not disclose the registrant’s relationship with the trademark holder. See [WIPO Overview 3.0](#), section 2.8. Moreover, the Panel finds that the composition of the Domain Name and the website connected to the Domain Name effectively impersonate or suggest sponsorship or endorsement by the Complainant.

The Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

## **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.

The Respondent most likely knew of the Complainant when he registered the Domain Name. It follows from the composition and use of the Domain Name. As mentioned above, the Domain Name has been used for a website that pretends to be an authorized outlet for the Complainant’s book. Under the circumstances of the case, this represents evidence of bad faith use. The Panel agrees that the Respondent has registered the Domain Name in an attempt to unfairly take advantage of the Complainant’s trademark by creating a likelihood of confusion with the Complainant.

Based on the available record, 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 the Domain Name <homeapothecary.store> transferred to the Complainant.

*/Mathias Lilleengen/*

**Mathias Lilleengen**

Sole Panelist

Date: December 1, 2025