ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
ADME (CY) LTD v. Melba Porter
Case No. D2025-4205

1. The Parties

The Complainant is ADME (CY) LTD, Cyprus, represented by ADME (CY) LTD, Cyprus.

The Respondent is Melba Porter, Taiwan, Province of China.

2. The Domain Name and Registrar

The disputed domain name <123go.com> 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 14, 2025. On October 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 14, 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 ("Registration Private, Domains By Proxy, LLC") and contact information in the Complaint. The Center sent an email communication to the Complainant on October 15, 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 15, 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 7, 2025.

The Center appointed Luca Barbero as the sole panelist in this matter on November 13, 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.

On December 4, 2025, the Center notified an Administrative Panel Procedural Order ("Panel Order No. 1") to the Parties, in which the Complainant was requested to provide further comments on the Respondent's bad faith at the time of the registration, providing its submission by December 11, 2025, and the Respondent was invited to provide its comments on the submission of the Complainant in reply to the Panel Order No. 1, if any, by December 16, 2025. The Decision due date was extended accordingly to December 22, 2025.

On December 5, 2025, the Complainant filed its reply to the Panel Order. The Respondent did not submit any reply to the Panel Order No. 1.

4. Factual Background

The Complainant is a Cyprus based company specialized in the publication of video content for a young audience under the mark 123GO!.

The Complainant's brand was established with the launch of its official YouTube channel on January 17, 2019 "www.youtube.com/@123GO_", currently recording over 5 billion views overall, and the Complainant has been operating since February 27, 2019 a Facebook page "www.facebook.com/123go.tsp", currently recording more than 2.1 million followers.

The Complainant is the owner of several trademark registrations for 123GO!, including the following:

- Russian trademark registration No. 782054 for 123GO! (figurative mark), filed on December 23, 2019, and registered on November 5, 2020, in classes 35 and 41;

- International trademark registration No. 1525372 for 123GO! (figurative mark), registered on February 6, 2020, in classes 35 and 41;

- International trademark registration No. 1649838 for 123GO! (word mark), registered on December 1, 2021, in class 25;

- International trademark registration No. 1718574 for 123GO! (word mark), registered on September 23, 2022, in classes 03, 14 and 16;

- International trademark registration n. 1718575 for 123GO! (figurative mark), registered on September 23, 2022, in classes 03, 14 and 16.

The disputed domain name <123go.com> was registered on October 11, 1995, and is not pointed to an active website.

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 disputed domain name is visually, phonetically, and conceptually identical to the Complainant's trademarks.

The Complainant states that the Respondent does not have any rights or legitimate interests in respect of the disputed domain name since: i) the disputed domain name is not being used as an active website offering any goods or services, and there is no evidence that the Respondent has made any bona fide preparations to use it at the time of the filing of the Complaint; ii) there is no evidence that the Respondent is commonly known by the name "123go", nor there is evidence that it holds any trademark or service marks rights corresponding to the subject domain name; and iii) the Respondent is retaining the disputed domain name, incorporating the Complainant's well-known trademark, without making active use of it.

With reference to the circumstances evidencing bad faith, the Complainant indicates that considering: i) the disputed domain name is identical to the Complainant's trademark; ii), the Respondent is passively holding the disputed domain name and no evidence was found that the Respondent may be using the disputed domain name for genuine noncommercial or fair purpose; and iii) the Respondent is preventing the Complainant from reflecting its mark in a corresponding domain name, the Respondent's ongoing conduct only demonstrates its bad faith and lack of legitimate purpose.

B. Respondent

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

C. Complainant's Supplemental Filing

In its reply to the Panel Order No. 1, the Complainant states that it acknowledges the fact that the disputed domain name was registered prior to the establishment of its brand and registration of its first trademark, but contends that the Respondent's renewal of the disputed domain name, combined with the absence of any actual use by the Respondent, should be treated as a fresh registration occurring after the Complainant's trademark rights were established. The Complainant also reiterates that passive holding, without legitimate purpose, of the disputed domain name, may constitute bad faith.

D. Respondent's Supplemental Filing

The Respondent did not submit any reply to the Panel Order No. 1.

6. Discussion and Findings

6.1. Supplemental Filings

According to paragraph 10 of the Rules, the Panel has the authority to determine the admissibility, relevance, materiality and weight of the evidence, and also to conduct the proceedings with due expedition, ensuring that the Parties are treated with equality and that each Party is given a fair opportunity to present its case. Paragraph 12 of the Rules states that in addition to the complaint and the response, the Panel in its sole discretion may request any further statements or documents from the parties it may deem necessary to decide the case.

Having reviewed the case filed, the Panel deemed it appropriate to issue the Panel Order No. to request:

i) the Complainant to provide further comments on the Respondent's bad faith at the time of the registration of the disputed domain name and to submit evidence showing that the Respondent in this case acquired the disputed domain name after the launch of the Complainant's trademark and its first trademark registration for 123GO! in 2019;

ii) the Respondent to provide its comments on the submission of the Complainant in reply to the Procedural Order No. 1, if any.

The Complainant timely replied to the Panel Order No. 1, providing the comments referenced in sections 5C above. The Respondent did not reply to the Panel Order No.1. The Panel has reviewed the Complainant's submission and will now proceed to Decision.

6.2. Substantive Issues

According to paragraph 15(a) of the Rules: "A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable." Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following:

(i) that the disputed domain name registered by the Respondent is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

(ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) that 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. Indeed, the Complainant has provided evidence of valid trademark registrations for the word mark 123GO!.

The Complainant's mark is entirely reproduced in the disputed domain name with the mere deletion of the exclamation mark. In cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing. WIPO Overview 3.0, section 1.7.

Accordingly, the disputed domain name is identical or confusingly similar to the Complainant's mark for the purposes of the Policy.

Therefore, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

In light of the Panel's findings under the next section, it is not necessary to address this issue.

C. Registered and Used in Bad Faith

The Panel notes that, according to paragraph 4(a)(iii) of the Policy, the Complainant is required to demonstrate that the disputed domain name was registered and used in bad faith.

In the present case, the disputed domain name was registered on October 11, 1995, whilst according to the Complainant's submissions, the Complainant first used the 123GO! mark and filed its first trademark application for 123GO! in 2019, more than 23 years after the disputed domain name was registered.

The Complainant has not provided any evidence demonstrating that the Respondent was or could be aware of the Complainant's trademark at the time of registration of the disputed domain name. Indeed, where a respondent registers a domain name before the complainant's trademark rights accrue, panels will not normally find bad faith on the part of the respondent. WIPO Overview 3.0, section 3.8.1. Further, the Complainant has not provided evidence demonstrating that the disputed domain name was transferred from a third party to the Respondent on a date after the Complainant's trademark rights accrued; mere renewal of a domain name registration by the same registrant is insufficient to support a finding of registration in bad faith.

Moreover, the disputed domain name is pointed to an inactive website and there is no evidence that the Respondent ever intended to target the Complainant through the use of the disputed domain name.

Therefore, the Panel finds that the Complainant has failed to establish 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 Complaint is denied.

/Luca Barbero/
Luca Barbero
Sole Panelist
Date: December 22, 2025