

ADMINISTRATIVE PANEL DECISION

Tru Earth Environmental Products Inc. v. John Jay
Case No. D2025-4404

1. The Parties

The Complainant is Tru Earth Environmental Products Inc., Canada, represented by Palmer IP Inc., Canada.

The Respondent is John Jay, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <livetruearth.com> (the "Domain Name") is registered with GMO Internet, Inc. d/b/a Discount-Domain.com and Onamae.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 25, 2025. On October 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On October 29, 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 (Whois Privacy Protection Service by onamae.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 29, 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 amended Complaint on November 1, 2025.

The Center verified that the Complaint together with the amended 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 November 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 25, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 27, 2025.

The Center appointed Ian Lowe as the sole panelist in this matter on December 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 is a British Columbia corporation that manufactures, distributes and sells environmentally sustainable cleaning products including laundry detergent sheets, fabric softeners, wool dryer balls and dishwasher tablets under the TRU EARTH brand. It has used the TRU EARTH brand since at least April 2019.

The Complainant is the owner of numerous trademark registrations for TRU EARTH and its logo mark worldwide, including United States Trademark Registration No. 6206861 TRU EARTH registered on November 24, 2020; European Union Trademark Registration No. 018409555 TRU EARTH registered on September 18, 2021; and International Trademark Registration No. 1619100 TRU EARTH registered on August 23, 2021. The Complainant is also the owner of numerous trademark registrations for ECO-STRIPS including European Union Trademark Registration No. 018411821 ECO-STRIPS registered on September 18, 2021.

The Complainant operates its main website, promoting and selling its products, at the domain name <tru.earth>, which was registered on November 8, 2018.

The Domain Name was registered on May 21, 2025. It resolves to a website imitating the Complainant's website in appearance, layout, and branding. The website displays the Complainant's TRU EARTH and ECO-STRIPS trademarks and copyrighted images, and offers for sale laundry detergent products under the TRU EARTH brand at heavily discounted prices. The home page of the website does not give any information as to the operator of the site.

The Whois details provided by the Registrar for the Respondent include an address in United States that does not exist, and a telephone number which, according to the Complainant's investigations, is registered to an individual other than the Respondent with an address in a different state.

5. Parties' Contentions

A. Complainant

The Complainant contends that the Domain Name is confusingly similar to its TRU EARTH trademark (the "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 within the meaning of paragraph 4(b)(iv) of the Policy.

B. Respondent

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

6. Discussion and Findings

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

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 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.

Ignoring the generic Top-Level Domain ("gTLD") ".com", the Domain Name comprises the entirety of the Mark with the addition of the term "live". The Panel finds that the addition of the word "live" 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 could have no rights or legitimate interests in respect of the Domain Name. The Respondent has used the Domain Name not in connection with a bona fide offering of goods or services, but for a website imitating that of the Complainant featuring both the Mark and the Complainant's ECO-STRIPS trademark, as well as the Complainant's copyright images of its products. The website purports to offer the Complainant's products for sale at very heavily discounted prices with free shipping to many countries, that the Complainant submits is commercially unsustainable for genuine laundry products. The Panel accepts on balance the Complainant's further submission that this pricing structure together with its impersonation of the Complainant, strongly suggests that the website is operating as a phishing or fraud scheme designed to collect personal and financial information from unsuspecting consumers rather than to conduct legitimate e-commerce.

UDRP panels have consistently held that the use of a domain name for illegal activity (such as impersonation, phishing, or passing off) can never confer rights or legitimate interests on a respondent. See [WIPO Overview 3.0](#) section 2.13.1.

There is no suggestion that the Respondent has ever been known by the Domain Name. The Respondent has chosen not to respond to the Complainant or to take any steps to counter the prima facie case established by the Complainant. 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.

In light of the nature of the Domain Name, incorporating the entirety of the Mark, and the Respondent's use of its website to imitate the Complainant and purport to sell the Complainant's products, 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.

The Panel is satisfied that the Respondent has registered and, as set out above, used the Domain Name to imitate the Complainant and to deceive Internet users into believing that the Domain Name is operated or authorized by the Complainant, attracting Internet users by creating a likelihood of confusion with the Mark. In the Panel's view, the use of a domain name for such activity, clearly with a view to commercial gain (whether through actual product sales or through fraudulent collection of financial information) amounts to paradigm bad faith registration and use for the purposes of the Policy, paragraph 4(b)(iv). Furthermore, the use by the Respondent of false contact details is also indicative of bad faith.

The Panel finds the third element of the Policy has been established.

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 <livetruearth.com> be transferred to the Complainant.

/Ian Lowe/

Ian Lowe

Sole Panelist

Date: December 18, 2025