

## **ADMINISTRATIVE PANEL DECISION**

EoS Fitness Brand, LLC v. Ammar Alkheder  
Case No. D2025-4444

### **1. The Parties**

The Complainant is EoS Fitness Brand, LLC, United States of America ("United States" or "US"), represented by Stoel Rives, LLP, United States.

The Respondent is Ammar Alkheder, Austria.

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

The disputed domain name <eosfitness.online> (the "Domain Name") is registered with NameCheap, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 28, 2025. On October 29, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 30, 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 October 30, 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 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 3, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 9, 2025.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on December 18, 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 is a provider of health clubs and fitness studios and operates an online retail store that offers apparel, accessories, and nutritional supplements for sale.

The Complainant has registered the trademarks for EOS FITNESS, such as US Trademark Registrations no. 4,837,772 (registered on October 20, 2015) and no. 5,750,051 (combined) (registered on May 14, 2019). The Complainant has been operating the domain name <eosfitness.com> for over a decade.

The Domain Name was registered on September 25, 2025. The Complaint documents that the Domain Name has resolved to a website that offered fitness services and featured a logo similar to the Complainant's stylized mark, a copyright notice featuring the Complainant's mark and description of the Complainant's trademark-protected membership plan names. The Domain Name currently resolves to an error page.

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

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

The Complainant provides evidence of trademark registrations and argues that its trademark has become well recognized by consumers. The Complainant contends that the Domain Name is confusingly similar to the Complainant's trademark and domain name.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the Domain Name. The Respondent had actual or constructive notice of the Complainant's trademark as it has been registered for a decade. The Complainant has never given the Respondent permission to use its marks.

The Complainant argues that the Respondent has registered and is using the Domain Name to impersonate the Complainant and defraud consumers for commercial gain. By using the Domain Name, the Respondent has intentionally attempted to attract for commercial gain users to its website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement.

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

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

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

##### **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. See 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 trademark EOS FITNESS. The Domain Name is identical to the Complainant's trademark. For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain, see [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds that the Domain Name is identical to a trademark 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. See [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 corresponding name in connection with a bona fide offering of goods or services. On the contrary, the use of the Domain Name is clear evidence of bad faith, see below.

The Panel finds that the Complainant has established a prima facie case 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, which the Respondent has not rebutted. Therefore, 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.

The Respondent most likely knew of the Complainant when it registered the Domain Name. It follows from the composition and use of the Domain Name. The Respondent has not offered any explanation as to why it registered a domain name identical to the Complainant’s trademark (and nearly identical to the Complainant’s official domain name), nor provided any evidence of actual or contemplated good faith use of the Domain Name. The Respondent’s use of the Domain Name – impersonating the Complainant to confuse Internet users – is clear evidence of bad faith.

Based on the 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 <eosfitness.online> transferred to the Complainant.

*/Mathias Lilleengen/*

**Mathias Lilleengen**

Sole Panelist

Date: December 24, 2025