

ADMINISTRATIVE PANEL DECISION

Next-Microbiome California Inc. v. Ozan demirdoven, wellsfoods
Case No. D2025-4536

1. The Parties

The Complainant is Next-Microbiome California Inc., United States of America (“United States” or “U.S.”), internally represented.

The Respondent is Ozan demirdoven, wellsfoods, Türkiye.

2. The Domain Name and Registrar

The disputed domain name <next-microbiome.com> (the “Disputed 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 November 2, 2025. On November 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On November 4, 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. On November 5, 2025, the Center sent a Complaint Deficiency Notification, to which the Complainant replied on the same day. The Center sent an email communication to the Complainant on November 6, 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 November 6, 2025. On the same day, the Respondent sent an email communication to the Center.

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 November 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 30, 2025.

The Respondent did not submit any response. Accordingly, the Center notified the commencement of Panel appointment process on December 1, 2025.

The Center appointed Nick J. Gardner as the sole panelist in this matter on December 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 by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

In the absence of a Response the Panel will accept the following facts, as set out in the Complaint, as being correct. The Complainant is a U.S. company operating in the microbiome-based nutritional supplements field. The Complainant is the owner of the United States trademark registration for NEXT-MICROBIOME, Registration No. 7673260, registered on January 28, 2025, with a date of first use in commerce on October 19, 2024, for goods and services in International Classes 5 and 41, covering microbiome-based nutritional supplements and educational materials. This trademark is referred to as the "NEXT-MICROBIOME" trademark in this decision.

The Complainant carries out business in Türkiye through its subsidiary "Next Microbiome Sağlık Ürünleri Ticaret ve Sanayi". The Complainant operates websites at "www.akkermansia.life" and "www.next-microbiome.com.tr", where it offers its products for sale.

The Disputed Domain Name was registered on August 28, 2022, by the Respondent, who was at that time assisting in the establishment of the Complainant's Turkish subsidiary. According to the Complainant's uncontested submissions, the Respondent was instructed to register the Disputed Domain Name in the Complainant's name but registered it in his personal name using his personal email address without authorization from the Complainant.

The Respondent's employment with the Complainant ended in March 2025. Following the termination of employment, the Complainant claims that the Respondent refused to transfer the Disputed Domain Name to the Complainant despite requests to do so.

The Complainant has submitted evidence showing that the Disputed Domain Name resolves to a website (the "Respondent's Website") that is a mirror copy of the Complainant's official Turkish website at "www.next-microbiome.com.tr". The evidence includes a screenshot of HTML source code showing the following line:

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<!-- Mirrored from www.next-microbiome.com.tr/ by HTTrack Website Copier -->
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This HTML comment is a potential indicator that the website at the Disputed Domain Name was created using HTTrack Website Copier software to clone the Complainant's official website, including its layout, text, and product images.

5. Parties' Contentions

A. Complainant

The Complainant contends that the Disputed Domain Name is identical to the NEXT-MICROBIOME trademark, differing only by the addition of the generic Top-Level Domain ("gTLD") ".com", which is a technical requirement and does not affect the identity for the purposes of the Policy.

The Complainant asserts that the Respondent has no rights or legitimate interests in the Disputed Domain Name. The Respondent was never authorized to register or control any domain name on behalf of the company. Although the Respondent registered the Disputed Domain Name while employed by the Complainant's Turkish operations, he did so in his personal name using his personal email address rather than in the Company's name. After his employment ended in March 2025, the Respondent retained control

of the Disputed Domain Name and refused to transfer it to the Complainant despite cease-and-desist requests. The Complainant argues that the Respondent's use of the Disputed Domain Name to host a copied version of the Complainant's official website is neither bona fide nor fair use under paragraph 4(c) of the Policy.

The Complainant contends that the Disputed Domain Name was registered and is being used in bad faith. The Respondent acted with knowledge of the Complainant's brand and business when he registered the Disputed Domain Name in his personal name rather than the Company's name. By creating a mirror copy of the Complainant's legitimate Turkish website using HTTrack Website Copier, the Respondent has intentionally created confusion among Internet users who may believe the infringing website is an official website of the Complainant. The Complainant submits that this conduct constitutes bad faith use under paragraph 4(b)(iv) of the Policy, as the Respondent is using the Disputed Domain Name to attract users to his website for commercial gain by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website. The Respondent has refused to transfer the Disputed Domain Name to the Complainant, further demonstrating bad faith.

B. Respondent

The Respondent did not file a formal Response to the Complainant's contentions. On November 6, 2025, the Respondent sent an email to the Center stating: "I really dont understand what's going on here. Could you tell me more information please. I own the domain but why did you include somebody in this e mail? Who is the Complainant and what is the reason?" The Center responded with information including on how to file a Response and advised the Respondent of the deadline for filing a Response. No Response was subsequently filed.

6. Discussion and Findings

Preliminary Matters

The Panel notes that no Response has been filed. However, given the Complaint and Written Notice were sent to the relevant addresses disclosed by the Registrar, then the Panel considers that this satisfies the requirement in paragraph 2(a) of the UDRP Rules to "employ reasonably available means calculated to achieve actual notice". Further the Respondent's informal communication shows he is aware of this proceeding. Accordingly, the Panel considers it is able to proceed to determine this Complaint and to draw inferences from the Respondent's failure to file any Response. While the Respondent's failure to file a Response does not automatically result in a decision in favor of the Complainant, the Panel may draw appropriate inferences from the Respondent's default (see, e.g., *Verner Panton Design v. Fontana di Luce Corp*, WIPO Case No. [D2012-1909](#)).

Substantive Matters

To succeed, in accordance with paragraph 4(a) of the Policy, the Complainant must satisfy the Panel that:

- (i) the Disputed Domain Name is identical with or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name;
- (iii) the Disputed Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The first element of the Policy requires the Complainant to establish that the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights. This

element consists of two parts: first, does the Complainant have relevant trademark rights; and second, is the Disputed Domain Name identical or confusingly similar to those rights.

The Complainant has rights in NEXT-MICROBIOME trademark. This registration constitutes *prima facie* evidence of the Complainant's rights in the mark for the purposes of the Policy. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.2.1.

The Disputed Domain Name incorporates the Complainant's NEXT-MICROBIOME mark in its entirety. It is well established under the Policy that the addition of a gTLD such as ".com" is a standard registration requirement and may be disregarded when assessing confusing similarity. See [WIPO Overview 3.0](#), section 1.11.1. Accordingly, the Panel finds that the Disputed Domain Name is identical to the Complainant's NEXT-MICROBIOME trademark. The NEXT-MICROBIOME trademark was registered in 2025 while the Disputed Domain Name was registered in 2022. This in itself does not matter here – the Panel agrees with the consensus approach as explained in [WIPO Overview 3.0](#) section 1.1.3:

"1.1.3 While the UDRP makes no specific reference to the date on which the holder of the trademark or service mark acquired its rights, such rights must be in existence at the time the complaint is filed.

The fact that a domain name may have been registered before a complainant has acquired trademark rights does not by itself preclude a complainant's standing to file a UDRP case, nor a panel's finding of identity or confusing similarity under the first element.

Where a domain name has been registered before a complainant has acquired trademark rights, only in exceptional cases would a complainant be able to prove a respondent's bad faith." (see below as to bad faith issues).

Accordingly, the Panel finds that the Disputed Domain Name is identical to the Complainant's trademark and hence the first condition of paragraph 4(a) of the Policy has been fulfilled.

The Complainant has satisfied the first element of the Policy.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, the Complainant must establish that the Respondent has no rights or legitimate interests in the Disputed Domain Name. Paragraph 4(c) of the Policy sets out three illustrative circumstances, any one of which, if proved by the Respondent, would demonstrate rights or legitimate interests:

- (i) before any notice of the dispute, 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; or
- (ii) the Respondent (as an individual, business, or other organization) has been commonly known by the domain name, even if the Respondent has acquired no trademark or service mark rights; or
- (iii) the Respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

None of these apply in the present circumstances. The Complainant has not authorised, licensed, or permitted the Respondent to register or use the Disputed Domain Name or to use NEXT-MICROBIOME trademark. The Complainant has therefore established a *prima facie* case that the Respondent does not have any rights or legitimate interests in the Disputed Domain Name and thereby the burden of production shifts to the Respondent to produce evidence demonstrating rights or legitimate interests in respect of the Disputed Domain Name (see, for example, *Do The Hustle, LLC v. Tropic Web*, WIPO Case No. [D2000-0624](#); *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#)). See also [WIPO Overview 3.0](#), section 2.1.

The Panel finds that the Respondent has failed to produce any evidence to establish his rights or legitimate interests in the Disputed Domain Name. Accordingly the Panel finds the Respondent has no rights or any legitimate interests in the Disputed Domain Name and the second condition of paragraph 4(a) of the Policy has been fulfilled.

C. Registered and Used in Bad Faith

Under paragraph 4(a)(iii) of the Policy, the Complainant must establish that the Disputed Domain Name has been registered and is being used in bad faith. Paragraph 4(b) of the Policy provides four non-exclusive circumstances that constitute evidence of bad faith registration and use:

- (i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of documented out-of-pocket costs directly related to the domain name; or
- (ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
- (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to the respondent's website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

The Disputed Domain Name was registered when the Respondent was engaged by the Complainant to assist in establishing the Complainant's Turkish operations. The Complainant's uncontested evidence establishes that the Respondent was instructed to register the domain name for Company use but instead registered it in his personal name using his personal email address and listed his personal organization ("wellsfoods") as the registrant organization.

The Panel does not consider that it matters here that the Complainant did not have any registered trademark rights at the time the Disputed Domain Name was registered. The Respondent will clearly have known of the Complainant's name which is a distinctive term with no independent meaning (see *FinanceMalta v. Adriano Cefai*, WIPO Case No. [D2011-1246](#)). See [WIPO Overview 3.0](#), section 3.8.2. The Respondent was instructed to register a domain name corresponding to that name in the Complainant's name -- but without authorization he registered it in his own name. His decision to register the Disputed Domain Name in his personal name rather than in the Complainant's name, despite being instructed to register it for Company use, demonstrates opportunistic conduct inconsistent with good faith. After the Respondent's employment with the Complainant ended in March 2025, he retained control of the Disputed Domain Name and refused to transfer it to the Complainant despite being asked to do so. The Respondent then proceeded to create a website linked to the Disputed Domain Name that is said to be a copy of the Complainant's legitimate website. The Respondent's website is in Turkish, but its overall appearance gives the impression that it is operated by or with the approval of the Complainant. It contains a prominent NEXT-MICROBIOME logo and what appear to be various images of the Complainant's products, clearly being offered for sale.

The Respondent's conduct falls squarely within paragraph 4(b)(iv) of the Policy. By creating a website that gives the impression that it is operated by or with the approval of the Complainant, the Respondent has intentionally attempted to attract Internet users to his website by creating a likelihood of confusion with the NEXT-MICROBIOME trademark as to the source, sponsorship, affiliation, or endorsement of the website. The Panel infers the Respondent has done so for commercial gain. Internet users searching for the Complainant's products or information about microbiome health are likely to encounter the Respondent's website and believe it to be an official website of the Complainant.

As a result the Panel finds that the Disputed Domain Name has been registered and is being used in bad faith. Accordingly the third condition of paragraph 4(a) of the Policy has been fulfilled.

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 <next-microbiome.com> be transferred to the Complainant.

/Nick J. Gardner/

Nick J. Gardner

Sole Panelist

Date: January 2, 2026