

ADMINISTRATIVE PANEL DECISION

Novozymes A/S v. yuwen xiao
Case No. D2025-4993

1. The Parties

The Complainant is Novozymes A/S, Denmark, represented by Plesner Law Firm, Denmark.

The Respondent is yuwen xiao, China.

2. The Domain Name and Registrar

The disputed domain name <microbiome-labs.com> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 2, 2025. On December 2, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 2, 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 (Registrant Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 4, 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 December 5, 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 December 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 29, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 2, 2026.

The Center appointed Christiane Féral-Schuhl as the sole panelist in this matter on January 14, 2026. 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 an international biosolutions company, operating worldwide, and which is now a part of Novonosis Group. The Complainant produces a wide range of industrial enzymes and microorganisms – the latter to be used in, inter alia, dietary supplements containing probiotics. The Complainant is the owner of the website “www.microbiomelabs.com”, where probiotics are being marketed and sold by the legal entity Physicians Exclusive, LLC, d/b/a Microbiome Labs which is also part of the Novonosis Group.

The Complainant is the owner of several trademarks for “MICROBIOME LABS” (the “MICROBIOME LABS Trademarks”), including the following:

- The European Union wordmark MICROBIOME LABS, No. 1456377, registered on February 11, 2019, for goods and services in class 5;
- The United Kingdom figurative trademark MICROBIOME LABS, No. UK00003479075, registered on October 30, 2020, for goods and services in class 5;
- The United States of America wordmark MICROBIOME LABS, No. 5917017, registered on November 19, 2019, for goods and services in class 5, on the Supplemental Register.

The disputed domain name was registered on November 5, 2025, and resolves to a commercial website offering products identical to those produced by the Complainant and sold by the Novonosis Group.

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 confusingly similar to a trademark in which it has rights. The Complainant submits that the disputed domain name incorporates the whole of its MICROBIOME LABS Trademarks with the mere addition of a hyphen, which does not prevent a finding of confusing similarity.

The Complainant further asserts that the Respondent has no rights or legitimate interests in the disputed domain name, as the Respondent has not been licensed or otherwise authorized to use the Complainant's trademarks or to register a domain name incorporating them. According to the Complainant, the Respondent is using the disputed domain name to market and sell products identical to those of the Complainant, while copying content, visual elements and contact details from the Complainant's official website, thereby misleading consumers into believing that the website is affiliated with or operated by the Complainant.

Finally, the Complainant states that the disputed domain name was registered and is being used in bad faith. The Complainant argues that its MICROBIOME LABS Trademarks significantly predate the registration of the disputed domain name and that, in light of the imitation of the Complainant's website and products, the Respondent knew or should have known of the Complainant's rights. The Complainant further submits that the Respondent's conduct demonstrates an intentional attempt to attract Internet users for commercial gain by creating a likelihood of confusion with MICROBIOME LABS Trademarks as to the source, sponsorship, affiliation, or endorsement of the website, which constitutes bad faith registration and use.

B. Respondent

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

6. Discussion and Findings

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.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The Panel finds the mere insertion of a hyphen in place of the space between the two words composing the MICROBIOME LABS Trademarks does not prevent a finding of confusing similarity.

The Panel finds 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. 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 (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.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Indeed, it appears that the Complainant has not licensed or otherwise authorized the Respondent to use the Complainant's trademarks, nor to register or use the disputed domain name incorporating those trademarks. Moreover, the Respondent is using the disputed domain name to operate a website that impersonates the Complainant by reproducing its trademarks and website content, and by offering for sale products identical to those of the Complainant, thereby creating a false impression of affiliation or endorsement.

Panels have held that the use of a domain name for illegitimate activity here, claimed as applicable to this case: impersonation, passing off, or offering for sale products presented as identical to those of the Complainant, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 the present case, the Panel notes that the Respondent has registered the disputed domain name well after the registration of the MICROBIOME LABS Trademarks. The Panel also notes that the Respondent offers for sale, via the website linked to the disputed domain name, products identical to those of the Complainant, impersonating the Complainant by reproducing its trademarks and website content.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names constitute bad faith under paragraph 4(b)(iv) of the Policy.

Moreover, paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for illegitimate activity here, claimed impersonation, passing off, or offering for sale products presented as identical to those of the Complainant, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. The Panel considers that the website at the disputed domain name is prominently displaying the Complainant's trademark likely to create confusion as to the relationship between the disputed domain name and the Complainant. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 that the disputed domain name <microbiome-labs.com> be transferred to the Complainant.

/Christiane Féral-Schuhl/
Christiane Féral-Schuhl
Sole Panelist
Date: January 27, 2026