ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

Dental Choice Holdings LLC v. Eduarda Souza Oliveira
Case No. D2026-0289

1. The Parties

The Complainant is Dental Choice Holdings LLC, United States of America ("United States" or "U.S."), represented by Dinsmore & Shohl LLP, United States.

The Respondent is Eduarda Souza Oliveira, Brazil.

2. The Domain Name and Registrar

The disputed domain name <airwaavshop.com> (the "Domain Name") is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 23, 2026. On January 26, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On January 27, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to the Complainant on January 28, 2026, 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 February 3, 2026, and an amended Complaint on February 11, 2026.

The Center verified that the Complaint together with the amendment to the Complaint and 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 February 12, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 4, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 10, 2026.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on March 20, 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 to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is a designer, developer and manufacturer of mouthpieces for sports and athletic uses. The company's products are specially designed and engineered to allow for increased respiratory airflow. The Complainant adopted the trademark AIRWAAV and has used the mark on its products continuously since 2020.

The Complainant owns trademark registrations for the AIRWAAV mark, such as U.S. registration no. 6,612,061, registered on January 11, 2022, and U.S. registration no. 6,719,716, registered on May 3, 2022. The Complainant owns the domain name <airwaav.com>.

The Domain Name was registered on September 16, 2025. The Complainant documents that the Domain Name resolves to a webpage that largely mimics the Complainant's official website "www.airwaav.com". At the time of the Decision, the Domain Name resolves to an error page.

5. Parties' Contentions

A. Complainant

The Complainant documents registered trademark rights. The Complainant argues that the Domain Name is confusingly similar to the Complainant's trademark. It differs only in that it combines the Complainant's trademark with the generic term "shop" and includes a Top-Level domain suffix ".com". These differences do not alter the fact that the Domain Name is confusingly similar to the Complainant's trademark.

The Complainant argues that the Respondent cannot establish rights in the Domain Name. The Respondent is not commonly known by the Domain Name or any portion thereof, nor is there any indication that the Respondent registered the Domain Name as a trademark. The Respondent is not authorized by the Complainant. The Respondent has not made any use of, or demonstrable preparations to use, the Domain Name in connection with a bona fide offering. The Respondent is using the Domain Name for commercial purposes. The site appears to sell AIRWAAV merchandise, but as an unauthorized replica of the Complainant's official website. The Respondent fails to meet the Oki Data criteria (*Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903) for bona fide reseller use, as the Respondent's website makes no attempt to accurately or prominently disclose the Respondent's relationship with the mark owner.

The composition and use of the Domain Name demonstrate that the Respondent registered the Domain Name with actual knowledge of the Complainant's rights. The Respondent's use of the Domain Name is to attract Internet users to Respondent's website to trade off the Complainant's mark and reputation. The Respondent's registration and use of the Domain Name is an attempt to create confusion with the Complainant's trademark or otherwise trade off of the mark and the Complainant's reputation for personal gain. The Complainant asserts that the Respondent's imitation site creates a situation ripe for fraud and/or identity theft.

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 test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 1.7.

The Complainant has established rights in its trademark AIRWAAV. The Domain Name incorporates the Complainant's trademark with "shop" added. The does not prevent a finding of confusing similarity between the Domain Name and the Complainant's trademark. See WIPO Overview 3.1, section 1.8. For the purposes of assessing confusing similarity under paragraph 4(a)(i) of the Policy, it is permissible for the Panel to ignore the generic Top-Level Domain ("gTLD") as it is viewed as a standard registration requirement. See WIPO Overview 3.1, section 1.11.1.

The Panel finds that the Domain Name is confusingly similar 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 the 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. If the respondent fails to come forward with such relevant evidence, the complainant has satisfied the second element. See WIPO Overview 3.1, section 2.1.

The Complainant asserts that the Respondent is not affiliated with nor authorized by the Complainant. There is no evidence suggesting that the Respondent has any rights or legitimate interests in the Domain Name. The Respondent's use of the Domain Name - as described above – does not meet the criteria for bona fide reseller use. The Respondent's website does not accurately and prominently disclose the Respondent's relationship with the trademark holder. See WIPO Overview 3.1, section 2.8. Rather, the Respondent's website largely mimics the Complainant's official website "www.airwaav.com".

The Panel finds that the Complainant has made out a prima facie case showing that the Respondent has no rights or legitimate interests in the Domain Name. It has not been rebutted by the Respondent. Accordingly, the Panel finds 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.

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 composition and use of the Domain Name manifest that the Respondent was aware of the Complainant's trademark when the Respondent registered the Domain Name. The Respondent's use as described above is in bad faith. The Domain Name appears to be registered and used to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's trademark. It appears to be an imitation site that may be employed in fraud attempts.

The Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of paragraph 4(a)(iii) 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 <airwaavshop.com> transferred to the Complainant.

/Mathias Lilleengen/
Mathias Lilleengen
Sole Panelist
Date: March 24, 2026