

ADMINISTRATIVE PANEL DECISION

Maneuver Marketing Pte. Ltd. v. abdelmajid chaik, Provitalize?
Case No. D2026-0423

1. The Parties

The Complainant is Maneuver Marketing Pte. Ltd., Singapore, represented by Polsinelli PC, United States of America (“United States” or “U.S.”).

The Respondent is abdelmajid chaik, Provitalize?, United States.

2. The Domain Name and Registrar

The disputed domain name <getprovitalize.com> is registered with Tucows Domains Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 3, 2026. On February 3, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 3, 2026, 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 (Contact Privacy Inc. Customer 0176159547) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 4, 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 amended Complaint on February 9, 2026.

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 February 13, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 5, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 6, 2026.

The Center appointed Fabrizio Bedarida as the sole panelist in this matter on March 11, 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 a private limited company organized and existing under the laws of Singapore. The Complainant is one of the leading health and nutrition companies that is engaged in the manufacture, marketing, distribution, and sale of dietary and nutritional supplements, including its probiotic supplements sold under the brand PROVITALIZE in which the Complainant claims unregistered trademark rights. The Complainant claims that it first began offering its PROVITALIZE product in or around October 2017.

The Complainant claims it has sold over ten million units of its PROVITALIZE product since its launch in 2017. It has provided evidence that its product has garnered over 30,000 global product reviews on Amazon.com.

The Complainant maintains and operates a website at “www.provitalize.com”.

The Complainant also claims that it markets its PROVITALIZE product through its Instagram page and its TikTok page, which have a combined total of over 110,000 followers worldwide.

The disputed domain name was registered on September 13, 2025. It resolves to a website prominently displaying PROVITALIZE (including in the copyright notice) and offering for sale the Complainant's PROVITALIZE-branded product.

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.

The Complainant, quoting WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 1.3, notes that unregistered or common law trademark rights are sufficient to meet the requirements of paragraph 4(a)(i) of the Policy when the complainant can demonstrate that the trademark has become a distinctive identifier associated with the complainant or its goods or services. The Complainant claims that through substantial sales and marketing efforts, and due to the high quality of its goods, it has garnered substantial goodwill and customer recognition in the PROVITALIZE unregistered trademark. The Complainant thus asserts it has established common law rights in its PROVITALIZE trademark through extensive and continuous use in commerce well prior to the Respondent's registration of the disputed domain name on September 13, 2025.

The Complainant also contends that the addition of the term “get” in the disputed domain name is not sufficient to prevent the finding of confusing similarity with the Complainant's trademark; that the Respondent's use of the disputed domain name for a website that mimics the look and feel of the Complainant's website, lists products which appear to originate from the Complainant, uses the Complainant's promotional images and content, and uses customer reviews from the Complainant's website, is an evident attempt to impersonate the Complainant or to suggest an affiliation with the Complainant, and this does not give rise to rights or legitimate interests; and that bad faith registration and use should be found, as the Respondent registered the disputed domain name and used the Complainant's PROVITALIZE trademark on the corresponding website while being aware of the Complainant's trademark rights, with the intent to take advantage of and capitalize on the Complainant's well-known trademark.

In brief, the Complainant claims that the Respondent registered the disputed domain name in order to trade on a false association with the Complainant, to impersonate the Complainant, and to engage in other fraudulent activities.

The Complainant further states (without supporting documentation) that, through its trademark counsel in the U.S., it sent the Respondent multiple cease-and-desist letters including to the email address identified on the Respondent's website at the disputed domain name, to which the Respondent failed to respond.

B. Respondent

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

6. Discussion and Findings

In order for the Complainant to obtain a transfer of the disputed domain name, paragraph 4(a) of the Policy requires that the Complainant must demonstrate to the Panel that:

- (i) the disputed domain name is identical 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; and
- (iii) the disputed 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 disputed domain name. WIPO Overview of WIPO Panel Views on Select UDRP Questions (["WIPO Overview 3.1"](#)), section 1.7.

The Panel notes that the Complainant does not rely on registered trademark rights for the purposes of the Complaint. To establish unregistered or common law trademark rights for purposes of the UDRP, the complainant must show that its mark has become a distinctive identifier which consumers associate with the complainant's goods and/or services. Relevant evidence demonstrating such acquired distinctiveness (also referred to as secondary meaning) includes a range of factors such as (i) the duration and nature of the use of the mark (which may include social media presence and engagement), (ii) the amount of sales under the mark and during which time period, (iii) the nature and extent of advertising using the mark – including evidence of expenditures over a relevant time period, (iv) the degree of actual public (e.g., consumer, industry such as trade and professional associations, media) recognition, and (v) consumer surveys. The fact that a respondent is shown to have been targeting the complainant's mark (e.g., based on the manner in which the mark is used on the related website or impersonating documents or other instruments) may also support the complainant's assertion and evidence that its mark has achieved significance as a source identifier. [WIPO Overview 3.1](#), section 1.3.

The Panel is satisfied that the Complainant has demonstrated that it has made sufficient use of the "Provitalize" name (including through its websites since at least 2022¹) such that it has acquired relevant secondary meaning in connection with the Complainant's products sufficient to confer unregistered trademark rights on the Complainant.

¹www.web.archive.org/web/20220128015328/https://betterbody.co/pages/pp-provitalize-m". Noting in particular the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision, in particular to affirm or corroborate a party's contention. [WIPO Overview 3.1](#), section 4.8.

The fact that the Respondent has targeted the PROVITALIZE trademark by impersonating the Complainant supports the Complainant's assertion that said trademark has achieved significance as a source identifier. Past cases show that intentional targeting can support an assertion that a trademark has achieved significance as a source identifier.

The Panel finds the Complainant has established unregistered trademark rights for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.3.

The entirety of the mark is reproduced and recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms here, "get", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8. 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 that 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 3.1](#), 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.

The Panel notes that the registrant organization identified in the registration details of the disputed domain name includes the Complainant's unregistered trademark, however, there is no evidence before the Panel that the Respondent is actually commonly known by the disputed domain name or "Provitalize". Rather, it appears most likely that such details were specifically chosen to falsely suggest an affiliation with the Complainant. Panels have held that the use of a domain name for illegitimate activity, here, claimed as passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), 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.

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 3.1](#), section 3.2.1.

It is clear from the contents of the Respondent's website that the Respondent was well aware of the Complainant when registering the disputed domain name, and most likely did so with a view to creating a misleading impression of association between the disputed domain name and the Complainant.

In fact, the disputed domain name is used for a website that prominently displays the PROVITALIZE unregistered trademark, lists products which appear to originate from the Complainant, uses the Complainant's promotional images and customer reviews from the Complainant's website.

Therefore, it is more likely than not that the Respondent, when registering the disputed domain name, had knowledge of the Complainant's earlier rights to the PROVITALIZE trademark.

The Panel is therefore satisfied that the Respondent has registered the disputed domain name in bad faith.

Panels have held that the use of a domain name for illegitimate activity, here, claimed as passing off, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4.

Finally, the Panel's findings of bad faith registration and use of the disputed domain name are further supported by the fact that the Respondent has not denied the assertions of bad faith made by the Complainant in these proceedings.

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 <getprovitalize.com> be transferred to the Complainant.

/Fabrizio Bedarida/

Fabrizio Bedarida

Sole Panelist

Date: March 19, 2026