

ADMINISTRATIVE PANEL DECISION

AmpHP, Inc. v. Amy Wang
Case No. D2026-0965

1. The Parties

Complainant is AmpHP, Inc., United States of America (“United States”), represented by McGrath North Mullin & Kratz, PC LLO, United States.

Respondent is Amy Wang, United States.

2. The Domain Name and Registrar

The disputed domain name <livemomentous.online> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 6, 2026. On March 6, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 6, 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 (Privacy User #b8d4593d) and contact information in the Complaint. The Center sent an email communication to Complainant on March 6, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on March 7, 2026.

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 Respondent of the Complaint, and the proceedings commenced on March 10, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 30, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on April 1, 2026.

The Center appointed Jeffrey M. Samuels as the sole panelist in this matter on April 10, 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

Complainant AmpHP, Inc. is in the business of selling nutritional and dietary supplements. Complainant is the owner, via assignment, of United States Registration No. 5755404 for the mark MOMENTOUS. The registration was issued on May 21, 2019. Complainant also owns United States Trademark Registration No. 8031668 for a stylized letter “M.” This registration was issued on November 18, 2025. Complainant’s marks have been in use since 2023 in connection with nutritional and dietary supplements.

The disputed domain name, <livemomentous.online>, was created on January 23, 2026. The disputed domain name resolves to a website that offers for sale nutritional supplements that compete with those offered for sale by Complainant.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, Complainant contends that the disputed domain name is identical or confusingly similar to its MOMENTOUS trademark. It points out that the disputed domain name shares the identical and dominant wording “momentous” set forth in Complainant’s trademark registration for the mark.

Complainant further argues that Respondent has no rights or legitimate interests in the disputed domain name. It asserts that Respondent is not commonly known by the disputed domain name, nor has Complainant authorized, licensed, or otherwise permitted Respondent to use Complainant’s registered marks in connection with the sale of nutritional supplements.

With respect to the issue of “bad faith” registration and use, Complainant notes that Respondent uses the disputed domain name to provide online retail store services that offer nutritional supplement products that directly compete with Complainant’s online retail store services and nutritional supplement products. Complainant indicates that the disputed website includes references to Complainant’s marks and makes improper use of copyrighted works taken from Complainant’s website. According to Complainant, “[s]uch improper use of Complainant’s Registered Marks and copyrighted works does not constitute a legitimate noncommercial or fair use of the Domain Name but instead demonstrates an intent by Respondent to capitalize on the reputation and consumer recognition of Complainant. Respondent’s actions therefore are intentionally designed to mislead consumers into believing that its website and products are affiliated with, sponsored by, or endorsed by Complainant, when in fact no such relationship exists.”

Complainant further maintains that there is no evidence that Respondent has made any preparations to use the disputed domain name in connection with a bona fide offering of goods or services. “Instead, Respondent’s conduct indicates an intent to exploit Complainant’s trademark rights for commercial gain” and “strongly suggests an attempt to trade off Complainant’s goodwill and established reputation in the marketplace.”

B. Respondent

Respondent did not reply to 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 Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

While the disputed domain name also includes the term "live," Complainant's registered MOMENTOUS mark remains 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.

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 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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 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 finds that Respondent registered and is using a domain name that is confusingly similar to Complainant's MOMENTOUS trademark in connection with a website that offers for sale products that directly compete with those offered for sale by Complainant, which site also includes

references to Complainant's marks and makes use of Complainant's copyrighted works. The evidence, thus, supports a determination that, by using the disputed domain name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to the disputed website by creating a likelihood of confusion with Complainant's marks as to the source, sponsorship, affiliation, or endorsement of such website and of the products advertised for sale on such website, within the meaning of paragraph 4(b)(iv) of the Policy.

The Panel finds that 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 <livemomentous.online> be transferred to Complainant.

/Jeffrey M. Samuels/

Jeffrey M. Samuels

Sole Panelist

Date: April 16, 2026