

ADMINISTRATIVE PANEL DECISION

Faction Ltd, Faction Holdings Ltd v. Purushotam Kumar, Sanju Kumar,
Piero Vitale, Bipin Kumar, Sumitra Boro
Case No. D2026-1121

1. The Parties

The Complainants are Faction Ltd, United Kingdom, and Faction Holdings Ltd, United Kingdom, represented by Duncan Ramsay, United Kingdom.

The Respondents are Purushotam Kumar, India, Sanju Kumari, Indonesia, Piero Vitale, Italy, Bipin Kumar, India and Sumitra Boro, India.

2. The Domain Names and Registrars

The disputed domain names <berbaprime.org>, <en-testogen.com>, <en-zotrim.com>, <testogan.com>, <us-brutalforce.com>, <us-phengold.com>, <us-testogen.com>, <us-trimtone.com>, and <us-zotrim.com> are registered with Spaceship, Inc.

The disputed domain name <en-berbaprime.com> is registered with Gname.com Pte. Ltd.

The disputed domain name <us-primeshred.com> is registered with DreamHost, LLC.

The disputed domain names <en-brutalforce.com> and <en-phengold.com> are registered with Register SPA.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 16, 2026. On March 17, 2026, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. Between March 17, 2026, and March 18, 2026, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondent and contact information in the Complaint.

The Center sent an email communication to the Complainants on March 19, 2026 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainants filed an amended Complaint on March 20, 2026. On its Amended Complaint, the Complainants included additional domain names not present in its original Complaint. Consequently, on March 25, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the additional disputed domain names. Between March 25, 2026 and March 26, 2026, the Registrars transmitted by email to the Center their verification responses.

The Center sent an email communication to the Complainant on March 30, 2026 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed a new amended Complaint on March 31, 2026.

On May 20, 2026, the Center informed the parties, that the language of the registration agreement for the disputed domain names <en-brutalforce.com> and <en-phengold.com> is in Italian.

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 Respondents of the Complaint, and the proceedings commenced on April 20, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 10, 2026. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on May 11, 2026.

The Center appointed Marina Perraki as the sole panelist in this matter on May 26, 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 Complainants belong to the same group of companies and are active in the dietary supplement products business. The Panel will refer to both of the Complainants as the "Complainant". The Complainant owns trademark registrations for the following seven marks: TESTOGEN, PHENGOLD, PRIMESHRED, TRIMTONE, BRUTAL FORCE, ZOTRIM and BERBAPRIME. These are as follows:

Owned by the first Complainant Faction Ltd:

- European Union trademark registration No. 17988789 TESTOGEN TESTOSTERONE TRIPLE ACTION (figurative), filed on November 21, 2018 and registered on June 4, 2021, for goods in international class 25;

- European Union trademark registration No. 018401985 for PRIMESHRED (word), filed on February 17, 2021 and registered on June 22, 2020, for goods and services in international classes 5 and 35; and

- European Union trademark registration No. 018401982 TRIMTONE (word), filed on February 17, 2021 and registered on January 13, 2022, for goods and services in international classes 5 and 35.

Owned by the second Complainant Faction Holdings Ltd:

- United Kingdom trademark registration No. UK00003705181 for PHENGOLD (word), filed on September 30, 2021 and registered on April 1, 2022, for goods and services in international classes 5 and 35;

- United Kingdom trademark registration No. UK00003705176 for BRUTAL FORCE (word), filed on September 30, 2021 and registered on April 15, 2022, for goods and services in international classes 5 and 35;

- United Kingdom trademark registration No. UK00002184660 for ZOTRIM (word), filed on December 17, 1998 and registered on June 28, 2002, for goods in international class 5; and

- United Kingdom trademark registration No. UK00004286572 for BERBAPRIME (word), filed on October 29, 2025 and registered on January 16, 2026, for goods in international class 5.

The disputed domain names were registered on the following dates:

<berbaprime.org> October 14, 2023;
<en-testogen.com> June 30, 2024;
<en-zotrim.com> July 12, 2024;
<testogan.com> May 12, 2024;
<us-brutalforce.com> July 12, 2024;
<us-phengold.com> May 12, 2024;
<us-testogen.com> May 12, 2024;
<us-trimtone.com> May 12, 2024;
<us-zotrim.com> May 12, 2024;
<en-berbaprime.com> September 10, 2024;
<us-primeshred.com> June 30, 2024;
<en-brutalforce.com> November 8, 2024;
<en-phengold.com> November 8, 2024.

At the time of filing of the Complaint the disputed domain names were used as follows:

a) the TESTOGAN disputed domain names (<us-testogen.com>, <testogan.com>, <en-testogen.com>) lead to practically identical websites with one another, prominently displaying the Complainant's mark, appearing as the "Testogen™ Official Store", using an "Old Version / New Version" of the product template and promoting a "Testosil" product as a new version of the Complainant's product. Furthermore, per the Complaint, the website under <testogan.com> reproduced the Complainant's actual customer testimonials and references.

b) the PHENGOLD disputed domain names (<us-phengold.com>, <en-phengold.com>) lead to practically identical websites with one another, prominently displaying the Complainants' mark and using the same "Old Version / New Version" template to promote a purportedly "new" version of the Complainant's product. The look and feel of these websites was practically identical to the ones above.

c) the PRIMESHRED (<us-primeshred.com>), TRIMTONE (<us-trimtone.com>), BRUTAL FORCE (<en-brutalforce.com>, <us-brutalforce.com>), ZOTRIM (<en-zotrim.com>, <us-zotrim.com>), BERBAPRIME (<berbaprime.org>, <en-berbaprime.com>) disputed domain names, all lead per Complaint to websites that followed a similar template, like the websites under the other disputed domain names, impersonating the Complainants' official stores and promoting competing

supplement products using an identical “Old Version / New Version” template. The Complainant did not produce evidence on the websites under <en-zotrim.com> and <us-brutalforce.com> however, given that Respondent has failed to submit any response the Panel shall consider the Complainant's allegations on the content of these websites as true.

Currently all disputed domain names lead to inactive or forbidden websites.

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 names.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which the Complainant must satisfy with respect to the disputed domain names:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) Respondents have no rights or legitimate interests in respect of the disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

Addition of Domain Names

According to WIPO Overview of WIPO Panel Views on Select UDRP Questions ([“WIPO Overview 3.1”](#)), section 4.12.1, “As a general rule, domain names held by the same registrant(s) may be added to a complaint before notification to the respondent(s)/formal commencement of the relevant proceeding”.

On March 20, 2026, the Complainant included additional domain names not present in its original Complaint. The Complainant submitted by email its request to add nine additional disputed domain names to the proceeding presenting a common control argument.

In view of the above, the Panel finds that the proposed additional disputed domain names are prima facie registered by the same or related Respondent and it would be practical and efficient to address them in the present proceeding. The request for addition of the additional disputed domain names is therefore accepted. The Panel shall address the disputed domain names all together in this Decision.

Language of the Proceedings

The language of the Registration Agreement for the disputed domain names <en-brutalforce.com> and <en-phengold.com> is in Italian. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant has not addressed the language of the proceeding. However, the Panel notes that a) the websites under the two disputed domain names were in English, b) the disputed domain names as such denote that they relate to the English language through the element “en” short for English. From the above it follows that the Respondent is fully capable of understanding and communicating well in English. The English language is therefore fair to both Parties, especially considering the excessive costs the Complainant would incur for translating the Complaint into Italian.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties’ ability to understand and use the proposed language, time and costs (see [WIPO Overview 3.1](#), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainants allege that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainants request the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant’s request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainants’ request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See [WIPO Overview 3.1](#), section 4.11.2.

As regards common control, the Panel notes the following:

- 1) Eight of the disputed domain names, namely <us-testogen.com>, <testogan.com>, <us-phengold.com>, <us-trimtone.com>, <us-zotrim.com>, <en-testogen.com>, <us-brutalforce.com>, <en-zotrim.com> are owned by the same named registrant.
- 2) The disputed domain names <us-testogen.com>, <us-phengold.com>, <us-trimtone.com>, <us-zotrim.com>, <en-testogen.com>, <testogan.com>, <us-brutalforce.com>, <en-zotrim.com> and <berbaprime.org> have the same Registrar.
- 3) All the disputed domain names apart from <berbaprime.org> were registered between May and November 2024, while many were registered on the same day, namely they were registered on a total of five dates. In particular, four disputed domain names were registered on May 12, 2024 (<us-testogen.com>, <us-phengold.com>, <us-trimtone.com>, <us-zotrim.com>), two on June 30, 2024 (<testogan.com>, <us-primeshred.com>), three on July 12, 2024 (<en-testogen.com>, <us-brutalforce.com>, <en-zotrim.com>) and two on November 8, 2024 (<en-phengold.com>, <en-brutalforce.com>).

- 4) Server error pages on five of the websites under the disputed domain names <us primeshred.com>, <en-phengold.com>, <en-brutalforce.com>, <en-berbaprime.com> and <berbaprime.org> displayed contact email addresses that included an identical “neuroopure.com” part.
- 5) Two of the named registrants Sanju Kumari are located in India, with the identical postcode.
- 6) Three of the five named registrants are located in the same Indian state.
- 7) Most disputed domain names share the same pattern, namely include the Complainant’s trademarks along with the indication “en” or “us” and a hyphen.
- 8) All disputed domain names lead at the time of filing of the Complaint to similar websites, which presented themselves as the official store for the given product of the Complainant’s, displayed the relevant Complainant’s trademark eminently and promoted the Complainant’s competitors’ products through an identical “old/new version product” template.
- 9) All named respondents in India use gmail or disposable/privacy email services in their named email addresses.
- 10) The websites under the disputed domain names <us-testogen.com> and <testogan.com> promoted the same “Testosil” competing product, using identical images, while the websites at <us- trimtone.com> and <us-phengold.com> promoted the same “Trimology” competing product, using identical images.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as “the Respondent”) in a single proceeding.

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 3.1](#), section 1.7.

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

The Panel finds the marks are recognizable within the disputed domain names. Accordingly, all the disputed domain names are confusingly similar to the marks for the purposes of the Policy, apart from the disputed domain name <berbaprime.org> which is identical to a mark. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms here, “us-” or “en-” may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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](#), sections 1.8 and 1.9.

The fact that the registration of the disputed domain names <berbaprime.org> and <en-berbaprime.com> predates the Complainant’s BERBAPRIME trademark is not examined under the first element but may be relevant under the third element. [WIPO Overview 3.1](#) section 1.1.

The generic Top-Level Domains (“gTLDs”) “.com” and “.org” are disregarded, as gTLDs typically do not form part of the comparison on the grounds that they are required for technical reasons (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#); *Hay & Robertson International Licensing AG v. C. J. Lovik*, WIPO Case No. [D2002-0122](#)).

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 names. 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 names such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for illegal activity, here, claimed 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.

In the present case, the Panel notes that the Respondent has registered and used the disputed domain names in bad faith. Because the Complainants’ marks were used and/or registered at the time of the disputed domain names’ registration, the Panel finds it more likely than not that the Respondent had the Complainants’ marks in mind when registering the disputed domain names (*Parfums Christian Dior v. Javier Garcia Quintas and Christiandior.net*, WIPO Case No. [D2000-0226](#); *Société des Produits Nestlé SA v. Telmex Management Service*, WIPO Case No. [D2002-0070](#)).

Furthermore, the disputed domain names incorporate the Complainant’s marks in their entirety plus the denominations “en” or “us” or consist of a typosquatting of the Complainant’s trademark. The Panel also notes that the websites prominently displayed the Complainant’s trademarks and purported to be the Complainant or an authorized agent of the Complainant.

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.

Panels have held that the use of a domain name for illegal activity, here, claimed passing off, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. 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 names <berbaprime.org>, <en-berbaprime.com>, <en-brutalforce.com>, <en-phengold.com>, <en-testogen.com>, <en-zotrim.com>, <testogan.com>, <us-brutalforce.com>, <us-phengold.com>, <us-primeshred.com>, <us-testogen.com>, <us- trimtone.com>, <us-zotrim.com> be transferred to the Complainants.

/Marina Perraki/

Marina Perraki

Sole Panelist

Date: June 9, 2026