

## **ADMINISTRATIVE PANEL DECISION**

EOS Fitness Brand, LLC v. Eos, erich mayne  
Case No. D2026-1445

### **1. The Parties**

The Complainant is EOS Fitness Brand, LLC, United States of America (“United States”), represented by Stoel Rives, LLP, United States.

The Respondent is Eos, erich mayne, United States.

### **2. The Domain Name and Registrar**

The disputed domain name <live-eos.com> is registered with Name.com, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 3, 2026. On April 7, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 8, 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 (Domain Protection Services, Inc) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 10, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Respondent sent an informal communication on the same date.

Later, the Complainant filed an amended Complaint on April 16, 2024. The Center verified that the Complaint together with 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 April 23, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 13, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 18, 2026.

The Center appointed Evan D. Brown as the sole panelist in this matter on May 22, 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 in the business of providing health club and related fitness services. It owns the trademark EOS FITNESS and other EOS-formative marks, for which it enjoys the benefits of registration, including United States Reg. No. 4,837,772 for EOS FITNESS, registered on October 20, 2015.

According to the WhoIs records, the disputed domain name <live-eos.com> was registered on January 6, 2026. The Complainant has submitted evidence that the Respondent used the disputed domain name to set up a website promoting technology for use in managing one's fitness goals and activities.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's trademark; that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (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. The Panel finds that all three of these elements have been met in this case.

##### **A. Identical or Confusingly Similar**

This first element functions primarily as a standing requirement. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7. 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. *Id.* This element requires the Panel to consider two issues: first, whether the Complainant has rights in a relevant mark; and second, whether the disputed domain name is identical or confusingly similar to that mark.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. The Complainant has demonstrated its rights in the EOS FITNESS mark by providing evidence of its trademark registrations. See [WIPO Overview 3.1](#), section 1.2.1.

The disputed domain name incorporates the distinctive EOS portion of the EOS FITNESS mark in its entirety with the additional term "live". The omission of the word "fitness" does not prevent a finding of confusing similarity in the circumstances of this case, particularly where the EOS element remains recognizable in the disputed domain name and the Respondent's website relates to fitness goals and activities. See [WIPO Overview 3.1](#), sections 1.7 and 1.15.

The addition of the term “live” and a hyphen does not prevent a finding of confusing similarity between the disputed domain name and the Complainant’s EOS FITNESS mark. See [WIPO Overview 3.1](#), section 1.8.

The Panel finds that the Complainant has established this first element under the Policy.

## **B. Rights or Legitimate Interests**

The Panel evaluates this element of the Policy by first looking to see whether the Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainant makes that showing, the burden of production of demonstrating rights or legitimate interests shifts to the Respondent, with the burden of proof always remaining with the Complainant. See [WIPO Overview 3.1](#), section 2.1; *AXA SA v. Huade Wang*, WIPO Case No. [D2022-1289](#).

The Complainant’s allegations on this element are limited but sufficient in the circumstances of this case. The Complainant asserts that it has never licensed its EOS FITNESS mark, or any EOS-formative mark, to the Respondent, and that it has never otherwise given the Respondent permission to use those marks in any manner. The Complainant further asserts – at least by implication – that the Respondent is not making a bona fide offering of goods or services because the Respondent has intentionally attempted to attract Internet users to its website, for commercial gain, by creating a likelihood of confusion with the Complainant’s marks as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website or of the products or services promoted thereon.

The record supports these assertions. The disputed domain name incorporates the distinctive EOS element of the Complainant’s EOS FITNESS mark, and the Respondent used the disputed domain name for a website promoting technology for use in managing fitness goals and activities. That use is closely related to the Complainant’s health club and fitness-related services. In these circumstances, the Panel finds that the Respondent’s use of the disputed domain name is not a bona fide offering of goods or services within the meaning of the Policy. Rather, it appears calculated to take advantage of the trademark significance of the Complainant’s EOS FITNESS and EOS-formative marks in the fitness field.

There is also no evidence in the record that the Respondent has been commonly known by the disputed domain name, or that the Respondent is making any legitimate noncommercial or fair use of the disputed domain name. The Respondent has not filed a Response and has therefore not come forward with any evidence to rebut the Complainant’s prima facie showing.

Accordingly, the Panel finds that the Complainant has established the second element under the Policy.

## **C. Registered and Used in Bad Faith**

The Policy requires a complainant to establish that the disputed domain name was registered and is being used in bad faith.

Paragraph 4(b)(iv) of the Policy provides that bad faith registration and use may be found where, by using the domain name, a respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the respondent’s website or location or of a product or service on the respondent’s website or location.

The Panel finds that this circumstance is present here. The Complainant’s EOS FITNESS mark was registered long before the Respondent registered the disputed domain name. The disputed domain name includes the distinctive EOS element of the Complainant’s EOS FITNESS mark, together with the term “live”. The Respondent then used the disputed domain name for a website promoting technology for use in managing fitness goals and activities, which falls squarely within, or is closely related to, the Complainant’s field of health club and fitness services.

These facts support the inference that the Respondent was aware of the Complainant and its EOS FITNESS and EOS-formative marks when it registered the disputed domain name. The Panel finds it unlikely that the Respondent selected the disputed domain name by coincidence, particularly given the Respondent's use of the disputed domain name for fitness-related offerings. The Respondent's use of the disputed domain name creates a likelihood of confusion as to whether the Respondent's website or services are operated, sponsored, affiliated with, or endorsed by the Complainant.

The Respondent has not come forward with any evidence of good-faith registration or use. Nor has the Respondent provided any explanation for selecting a domain name incorporating the EOS element in connection with a fitness-related website. On the balance of probabilities, the Panel finds that the Respondent registered and used the disputed domain name to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's marks.

Accordingly, the Panel finds that the Complainant has established the third element under 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 <live-eos.com> be transferred to the Complainant.

*/Evan D. Brown/*

**Evan D. Brown**

Sole Panelist

Date: June 5, 2026