

ADMINISTRATIVE PANEL DECISION

LABORATOIRE TERRAVITA v. Lucy Graham

Case No. D2026-2020

1. The Parties

The Complainant is LABORATOIRE TERRAVITA, France, represented by Coblençe Avocats, France.

The Respondent is Lucy Graham, United States of America (the “United States”).

2. The Domain Name and Registrar

The disputed domain name <terravitastore.shop> (the “Disputed Domain Name”) is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 11, 2026. On May 11, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On May 13, 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 (Anonymous) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 13, 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 May 15, 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 the Respondent of the Complaint, and the proceedings commenced on May 18, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 7, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 8, 2026.

The Center appointed Marilena Comanescu as the sole panelist in this matter on June 12, 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.

On June 19, 2026, the Panel requested the Complainant to clarify the remedy section of the Complaint to confirm the correct domain name. The Complainant confirmed the Disputed Domain Name on June 19, 2026.

4. Factual Background

The Complainant is a French company based in Aix-en-Provence, specializing in micronutrition, phytotherapy, and dietary supplements.

The Complainant holds trademark rights for or including TERRAVITA, such as the following:

- the French Trademark registration number 4685665 for TERRAVITA (word), filed on September 25, 2020, registered on April 23, 2021, covering goods in International Classes 3, 4, 5, 29, and 32; and
- the International Trademark registration number 1601286 for TERRAVITA (word), registered on March 10, 2021, designating inter alia the United States, and covering goods in International Classes 3, 4, 5, 29, and 32.

The Complainant also holds domain names incorporating its TERRAVITA mark, such as <terravita.fr>, registered on March 27, 2016, <terravita.com>, and <terravita.info>.

The Disputed Domain Name was registered on April 16, 2026, and, at the time of filing the Complaint, it was used in connection with a website purporting to offer for sale discounted TERRAVITA products, reproducing the Complainant's trademark and product images, claiming copyright protection and omitting any disclaimer to accurately disclose the relationship with the Complainant.

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.

Notably, the Complainant contends the following:

- it has made longstanding and widespread use of its TERRAVITA trademarks since many years and the Terravita goods have acquired a significant reputation;
- the Disputed Domain Name is confusingly similar to the TERRAVITA trademark, as it fully incorporates it with the addition of the descriptive term "store";
- the Respondent has no rights or legitimate interests in the Disputed Domain Name mainly because: (i) the Respondent is not affiliated with the Complainant, and has never acquired any prior rights in the corresponding wording; (ii) the reproduction of the Complainant's notorious trademark TERRAVITA in the Disputed Domain Name reveals a malicious intention to take advantage of the notoriety of the Complainant's trademarks; (iii) the Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Name, to the contrary, the Disputed Domain Name was used to resolve to a website that reproduces the Complainant's prior trademarks and products;

- the Respondent registered and is using the Disputed Domain Name in bad faith mainly because: (i) the Complainant's trademarks significantly predate the date of the registration of the Disputed Domain Name; (ii) the Disputed Domain Name reproduces the Complainant's prior trademarks with the addition of the descriptive term "store" which does not dispel confusion but rather strongly suggests the Respondent wishes to use the Disputed Domain Name for online retail associated with the Complainant or at least an authorized distributor of its products, thereby increasing the likelihood of confusion among Internet users as to the source, sponsorship, affiliation, or endorsement of the website to which the Disputed Domain Name resolves; (iii) the registration of a domain name which is used to sell products competing with those of the Complainant is a clear indication of bad faith; (iv) the Respondent targeted the Complainant's mark when registering the Disputed Domain Name, and sought to divert Internet traffic for commercial gain by free-riding on the Complainant's trademark; and (v) the Disputed Domain Name was registered with the intent to disrupt the Complainant's activities.

B. Respondent

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

6. Discussion and Findings

Under the Policy, the Complainant is required to prove on the balance of probabilities 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 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 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 mark is 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.

While the addition of other term, here, "store", 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 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 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.

According to the evidence, the Respondent has used the Disputed Domain Name in connection with a website promoting and offering for sale goods identical to those of the Complainant with significant price reductions, displaying the Complainant’s trademark and similar product images, without providing any accurate or prominent disclaimer. Panels have held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

The Panel further notes that the Disputed Domain Name, reproducing the Complainant’s mark TERRAVITA with an additional dictionary term generally used in the Complainant’s industry (i.e., “store”), carry a high risk of implied affiliation with the Complainant. Therefore, such composition cannot constitute fair use. [WIPO Overview 3.1](#), section 2.5.1.

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 Disputed Domain Name was registered in bad faith, with knowledge of the Complainant and its trademark particularly because it incorporates the Complainant’s TERRAVITA trademark registered since 2016, with a dictionary term. Furthermore, the use of the Disputed Domain Name corroborates this judgement.

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.

Paragraph 4(b)(iv) of the Policy provides that the use of a domain name to intentionally attempt “to attract, for commercial gain, Internet users to [the respondent’s] 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” is evidence of registration and use in bad faith.

Given that the Disputed Domain Name incorporates the Complainant’s trademark and the website operated under the Disputed Domain Name displays the Complainant’s trademark, similar product images, providing very likely counterfeit versions of the Complainant’s products, indeed in this Panel’s view, the Respondent intended to attract Internet users accessing the website corresponding to the Disputed Domain Name who

may be confused and believe that the website is held, controlled by, or somehow affiliated or related to the Complainant, for its commercial gain. This activity may also disrupt the Complainant's business, tarnish its trademark, and may put the safety of patients at risk.

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, <terravitastore.shop>, be transferred to the Complainant.

/Marilena Comanescu/

Marilena Comanescu

Sole Panelist

Date: June 26, 2026