

ADMINISTRATIVE PANEL DECISION

Melaleuca, Inc. v. J Andre, BYD
Case No. D2026-2088

1. The Parties

The Complainant is Melaleuca, Inc., United States of America (“United States”), represented by Melaleuca, Inc., United States.

The Respondent is J Andre, BYD, United States.

2. The Domain Name and Registrar

The disputed domain name <buymelaleucaonline.com> (the “Disputed Domain Name”) is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 15, 2026. On May 15, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On May 15, 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 (unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 15, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant did not amend the Complaint.

The Center verified that 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 26, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 15, 2026. The Respondent sent an email communication to the Center on May 17, 2026.

The Center appointed Douglas M. Isenberg as the sole panelist in this matter on June 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

Complainant does not provide any information about its history or activities other than to state that it “has offered the goods and services in the United States under the MELALEUCA mark since at least as early as September 1985, and now offers such goods and services under the MELALEUCA mark in many countries, including but not limited to the United States, Canada, and Japan, across a variety of goods and services” and that it “also owns the www.melaleuca.com domain name through which the goods and services are offered.”

Complainant states, and provides documentation in support thereof, that it is the owner of the following trademark registrations:

- U.S. Reg. No. 1,917,518 for MELALEUCA (registered September 12, 1995) for use in connection with, inter alia, “dietary and nutritional supplements”;
- Canada Reg. No. TMA1247536 for MELALEUCA (registered August 1, 2024) for use in connection with, inter alia, “powders for making ready-to-drink shakes”;
- Japan Reg. No. 4,242,215 for MELALEUCA (registered February 19, 1999) for use in connection with, inter alia, “telecommunications equipment”.

The above registrations are referred to herein as the “MELALEUCA Trademark.”

A screenshot of the home page of Complainant's website using the domain name <melaleuca.com> appears to show that Complainant offers for sale products under the following categories: home cleaning and laundry; supplements and food; personal care; and beauty.

The Disputed Domain Name was created on May 1, 2024. Complainant states that the Disputed Domain Name “resolves to a parked webpage associated with domain monetization and general inactivity.” A printout of the website using the Disputed Domain Name, provided by Complainant, confirms such usage, although when the Panel visited the website associated with the Disputed Domain Name on June 23, 2026, the Panel did not find an active website.¹

On June 2, 2026, Complainant sent an email to the Center stating that “[w]e may be reaching a settlement with the Respondent” and inquiring about the settlement process.

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 that:

- The Disputed Domain Name is identical or confusingly similar to the MELALEUCA Trademark because, inter alia, the Disputed Domain Name “incorporates the mark in its entirety and merely adds the descriptive terms ‘buy’ and ‘online’,” which “does not prevent a finding of confusing similarity under UDRP precedent.”

¹ “[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.... This may include visiting the website linked to the disputed domain name in order to obtain more information about the respondent or its use of the domain name....” WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”), section 4.8.

- Respondent has no rights or legitimate interests in the Disputed Domain Name because, inter alia, “Respondent is not affiliated with, licensed by, or otherwise authorized by Complainant to use the MELALEUCA mark”; “[t]here is no evidence that Respondent has acquired any trademark or service mark rights in ‘Melaleuca,’ nor is Respondent commonly known by the disputed domain name”; “Respondent is not making a bona fide offering of goods or services within the meaning of Policy 4(c)(i)” because the Disputed Domain Name “resolves to a parked webpage associated with domain monetization and general inactivity”; and Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Name because “the composition of the domain name – combining Complainant’s mark with the terms ‘buy’ and ‘online’ – creates the impression of an authorized site for the sale of Melaleuca products,” but “the absence of any authorized content, combined with the commercial nature of the parked page and the apparent intent to sell the domain name, demonstrates that Respondent’s use is neither noncommercial nor fair.”

- The Disputed Domain Name was registered and is being used in bad faith because, inter alia, “[g]iven the longstanding and widespread use of the MELALEUCA mark, Respondent could not plausibly have been unaware of Complainant’s rights at the time of registration”; inclusion of the words “buy” and “online” in the Disputed Domain Name “inherently creates an implied affiliation with Complainant and is particularly misleading”; “[p]anel[s] have consistently held that passive holding of a domain name incorporating a well-known mark may constitute bad faith under the Policy”; and “[t]here is no plausible legitimate purpose for Respondent’s registration of a domain name so closely tied to Complainant’s mark, particularly where the domain name suggests an official and authorized source for Complainant’s products but contains no legitimate content,” so “the only reasonable inference is that Respondent registered the domain name to capitalize on Complainant’s goodwill and the likelihood of consumer confusion.”

B. Respondent

The Respondent did not reply to the Complainant’s contentions. However, on May 17, 2026, Respondent sent an email to the Center stating: “What is this all about? I do not understand: who you are? Why I ‘m getting this email? who is wipo?”. The Center responded to Respondent on the same date with information including on how to file a Response and advised the Respondent of the deadline for filing a Response upon commencement of proceedings.

6. Discussion and Findings

A. Identical or Confusingly Similar

Based upon the trademark registrations cited by the Complainant, it is apparent that the Complainant has rights in and to the MELALEUCA Trademark.

As to whether the Disputed Domain Name is identical or confusingly similar to the MELALEUCA Trademark, the relevant comparison to be made is with the second-level portion of the Disputed Domain Name only (i.e., “buymelaleucaonline”) because “[t]he applicable Top-Level Domain (‘TLD’) in a domain name (e.g., ‘.com’, ‘.club’, ‘.nyc’) is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test”. [WIPO Overview 3.1](#), section 1.11.1.

As set forth in section 1.7 of [WIPO Overview 3.1](#), “in cases where a domain name incorporates the entirety of a trademark,... the domain name will normally be considered confusingly similar to that mark.” Further, as set forth in section 1.8 of [WIPO Overview 3.1](#), “[w]here the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element.” Here, the Disputed Domain Name contains the entirety of the MELALEUCA Trademark, and the addition of the words “buy” and “online” do not prevent a finding of confusing similarity.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

The Complainant has argued that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because, inter alia, “Respondent is not affiliated with, licensed by, or otherwise authorized by Complainant to use the MELALEUCA mark”; “[t]here is no evidence that Respondent has acquired any trademark or service mark rights in ‘Melaleuca,’ nor is Respondent commonly known by the disputed domain name”; “Respondent is not making a bona fide offering of goods or services within the meaning of Policy ¶ 4(c)(i)” because the Disputed Domain Name “resolves to a parked webpage associated with domain monetization and general inactivity”; and Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Name because “the composition of the domain name – combining Complainant’s mark with the terms ‘buy’ and ‘online’ – creates the impression of an authorized site for the sale of Melaleuca products,” but “the absence of any authorized content, combined with the commercial nature of the parked page and the apparent intent to sell the domain name, demonstrates that Respondent’s use is neither noncommercial nor fair.”

[WIPO Overview 3.1](#), section 2.1, states: “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 often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.”

The Panel finds that Complainant has established its prima facie case and without any evidence from Respondent to the contrary, the Panel is satisfied that Complainant has satisfied the second element of the Policy.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Whether a domain name is registered and used in bad faith for purposes of the Policy may be determined by evaluating four (non-exhaustive) factors set forth in the Policy: (i) circumstances indicating that the registrant has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the registrant’s documented out-of-pocket costs directly related to the domain name; or (ii) the registrant has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the registrant has engaged in a pattern of such conduct; or (iii) the registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) by using the domain name, the registrant has intentionally attempted to attract, for commercial gain, Internet users to the registrant’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 registrant’s website or location or of a product or service on the registrant’s website or location. Policy, paragraph 4(b).

Here, Complainant does not specify which, if any, of the above factors is applicable here. However, numerous panels have found the registration and use of a domain name that is confusingly similar to a complainant’s trademark to constitute bad faith pursuant to paragraph 4(b)(iv) of the Policy where, as here, the disputed domain name is associated with a monetized parking page. See, e.g., *Wal-Mart Stores, Inc. v. Whois Privacy, Inc.*, WIPO Case No. [D2005-0850](#); *Columbia Pictures Industries, Inc. v. North West Enterprise, Inc.*, WIPO Case No. [D2006-0951](#); and *Dr. Martens International Trading GmbH, Dr. Maertens Marketing GmbH v. Private Whois Service*, WIPO Case No. [D2011-1753](#).

Further, as set forth in [WIPO Overview 3.1](#), section 3.3 (citing *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#)):

From the inception of the UDRP, panelists have found that the non-use of a domain name (including a blank or “coming soon” page) would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panelists have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy.

Factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant’s mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent’s taking active steps to conceal its identity or (iv) the use of false or inaccurate contact details (noted to be in breach of the respondent’s registration agreement).

Taking the above factors into consideration, panels assess the overall plausibility of any (claimed) good faith use to which the domain name may be put in light of the composition of the domain name in relation to the relevant mark, such that, the more arbitrary or distinctive a mark the less plausible a claimed non-infringing good faith use is likely to be, and vice versa.

Here, the MELALEUCA Trademark appears to be distinctive and appears to have a high degree of reputation given that it is protected by numerous registrations, the oldest of which was registered at least as early as September 12, 1995. Further, Respondent did not submit a response or provide any evidence of actual or contemplated good-faith use. Therefore, the current non-use of the Disputed Domain Name does not prevent a finding of bad faith.

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 <buymelaleucaonline.com> be transferred to the Complainant.

/Douglas M. Isenberg/

Douglas M. Isenberg

Sole Panelist

Date: June 23, 2026