

ADMINISTRATIVE PANEL DECISION

Amway Corp v. popa nicoleta
Case No. D2026-2163

1. The Parties

The Complainant is Amway Corp, United States of America ("United States"), represented by ZeroFox, United States.

The Respondent is popa nicoleta, Republic of Moldova.

2. The Domain Name and Registrar

The disputed domain name <amwaymoldova.com> (the "Disputed Domain Name") is registered with HOSTINGER operations, UAB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 19, 2026. On May 20, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On May 20, 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 (Registrant Not Disclosed) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 22, 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 file any amendment to 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, and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

The proceedings commenced on May 29, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 18, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 22, 2026.

The Center appointed Monica Novac as the sole panelist in this matter on June 28, 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 a privately held United States company founded in 1959, which is the wholly owned subsidiary of Alticor Inc. The Complainant is one of the world's largest direct-selling companies, with operations and authorized distributors in more than 100 countries and territories worldwide. The Complainant develops, manufactures and distributes a broad range of health, beauty, nutrition and home care products under, inter alia, the "Amway" brand.

Trademark registrations for AMWAY are registered in various jurisdictions. The Complainant rests its case on the following trademark:

- Moldova Trademark Registration No. R 26297 Amway, registered on November 5, 2014, for goods and services in classes 3, 5, 11, 16, 21, 29, 30, 32 and 35.

The AMWAY trademark has been continuously used in commerce for more than 60 years.

Furthermore, the Complainant operates the domain name <amway.com> (registered on October 9, 1995), which currently redirects to the Complainant's main website, as well as numerous country-specific official domain names including <amway.de>, <amway.ru>, <amway.ua> and <amway.pl>.

The Respondent is reportedly located in the Republic of Moldova. The Respondent registered the Disputed Domain Name on January 13, 2026. According to the Complainant's allegations and the evidence filed, the Disputed Domain Name resolved to a commercial website targeting the territory of the Republic of Moldova, which purported to offer for sale products identical to those sold via the Complainant's authorized channels. This website prominently displayed the Complainant's AMWAY trademark and logo in an apparent attempt to impersonate the Complainant and pass itself off as an official online storefront.

At the date of rendering this Decision, when accessed by the Panel, the Disputed Domain Name resolves to an inactive website.

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 that:

- the Disputed Domain Name is confusingly similar to the Complainant's AMWAY trademark;
- the Respondent has no rights or legitimate interests in the Disputed Domain Name; and
- the Disputed Domain Name has been registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

Under paragraph 1 of the Rules, Respondent is defined as "the holder of a domain-name registration against which a complaint is initiated". Pursuant to section 4.4.5 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), the Panel retains ultimate discretion to determine the Respondent against which the case should proceed. As the underlying registrant was fully notified and given a fair opportunity to respond, the Panel exercises its discretion to treat "popa nicoleta" as the proper Respondent in this 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](#), sections 1.2.1 and 1.4.1.

The Panel notes that the Complainant is not the registered owner of the above-mentioned trademark; rather, said trademark is registered on the name of the Complainant's parent company Alticor Inc.

Section 1.4.1 of the [WIPO Overview 3.1](#) provides that "a trademark owner's affiliate such as a subsidiary of a parent or of a holding company, or an exclusive trademark licensee, is considered to have rights in a trademark under the UDRP for purposes of standing to file a complaint". The record indicates a clear affiliation between the trademark owner Alticor Inc. and the Complainant, as well as the fact that the Complainant uses the AMWAY mark as part of its business operations. Although no specific evidence of authorization to file the present Complaint has been provided by the Complainant, given that the Complainant is a wholly owned subsidiary of Alticor Inc. and actively develops, manufactures and distributes products under the "Amway" brand globally, the Panel finds that the Complainant has established sufficient rights in the AMWAY mark for the purposes of standing under paragraph 4(a)(i) of the Policy.

The Disputed Domain Name contains the term "amway", which is identical to the sole word element of the Complainant's trademark. The first element of the Policy functions primarily as a standing requirement, and the Panel concludes that for the purposes of the present case, the addition of the geographic term "moldova" in the Disputed Domain Name does not prevent a finding of confusing similarity under the first element of the Policy. [WIPO Overview 3.1](#), section 1.8.

Although the Complainant's AMWAY trademark also contains design elements, these should be disregarded for purposes of assessing identity or confusing similarity under the first element. As per section 1.10 of the [WIPO Overview 3.1](#), "panel assessment of identity or confusing similarity involves comparing the (alpha-numeric) domain name and the textual components of the relevant mark. To the extent that design (or figurative/stylized) elements would be incapable of representation in domain names, these elements are largely disregarded for purposes of assessing identity or confusing similarity under the first element".

The Panel finds that the Complainant's AMWAY trademark is recognizable within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to the Complainant's trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

According to the [WIPO Overview 3.1](#), section 1.11.1, the generic Top-Level Domain “.com” in the Disputed Domain Name is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.

Further to all the above, 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 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.

It is accepted by the Panel that the Complainant has not licensed, authorized, or permitted the Respondent to use the AMWAY trademark or to register the Disputed Domain Name. The Respondent is not an authorized distributor, agent, or affiliate of the Complainant either. There is also no evidence that the Respondent is commonly known by the Disputed Domain Name, nor that it holds any trademark or trade name rights corresponding to it.

Although at the time of this Decision, the Disputed Domain Name resolves to an inactive webpage, the evidence on record shows that on the date of filing the Complaint, the Disputed Domain Name resolved to a commercial website targeting the territory of the Republic of Moldova. This website prominently displayed the Complainant’s AMWAY trademark and logo to offer for sale products identical or similar to those sold via the Complainant’s authorized channels. The Panel finds that such use constitutes an intentional attempt to impersonate the Complainant and pass the website off as an official online storefront.

It has been established that “a respondent’s use of a domain name will not be considered “fair” if it falsely suggests affiliation with the trademark owner; the correlation between a domain name and the complainant’s mark is often the central starting point to this inquiry”. [WIPO Overview 3.1](#), section 2.5.

The Panel notes, however, that the evidence on record does not clarify the exact nature of the products offered for sale via the website at the Disputed Domain Name, leaving it undetermined whether they were ultimately genuine products, counterfeits, or substitutes.

In case these goods were counterfeit, UDRP panels have held that the use of a domain name for illegal activity (e.g. the sale of counterfeit goods, as well as 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.

Should these goods be genuine products, the Respondent would still not make fair use of the Complainant’s trademark in the Disputed Domain Name. UDRP panels have recognized resellers or distributors may have a legitimate interest to nominally use a trademark for its source-identifying function under certain

circumstances, and such fair use is qualified under the so-called “Ok! Data test” as per section 2.8.1 of the [WIPO Overview 3.1](#).

In this case, the evidence submitted by the Complainant shows that the website at the Disputed Domain Name was actively used to impersonate the Complainant. The composition of the Disputed Domain Name, combined with the layout of the related website (as shown in the screenshot provided by the Complainant), creates a clear risk of implied affiliation, effectively passing off the website as an official channel of the Complainant.

While the Complainant has provided a single screenshot of the website, the Panel considers that this evidence is sufficient to establish a prima facie case that the Respondent was engaged in impersonation rather than a bona fide nominative fair use. As the Respondent has failed to rebut this case or provide any evidence demonstrating rights or legitimate interests (especially regarding the presence of a prominent disclaimer on the website clarifying the lack of relationship between the Respondent and the Complainant), the Panel finds that the “Ok! Data test” is not satisfied.

In view of the above, the Panel considers that the Respondent registered and used the Disputed Domain Name to mislead Internet users and to erroneously make them believe that the Disputed Domain Name is operated by or associated with the Complainant. The composition of the Disputed Domain Name, coupled with its former use as explained above, signals the Respondent’s intention to deceive consumers into believing that the website at the Disputed Domain Name is official, thereby taking unfair advantage of the Complainant’s trademark.

The Panel is of the opinion that the Respondent does not use the Disputed Domain Name in connection with a bona fide offering of goods or services, nor does it make a legitimate noncommercial or fair use of the Disputed Domain Name as per the Policy.

The Respondent did not respond to the Complainant’s contentions, thus the Respondent did not present any evidence to support any rights or legitimate interests in the Disputed Domain Name.

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

C. Registered and Used in Bad Faith

The Panel refers to its considerations under section 6.B. above.

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.

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.

In the present case, the Panel notes that the rights in the AMWAY trademark were established before the Respondent registered the Disputed Domain Name. In view of the extensive and long-lasting presence of the Complainant, the distinctiveness of the AMWAY trademark, the composition of the Disputed Domain Name, as well as its previous use (as explained above), it is unlikely that the Respondent was not aware of the Complainant’s trademark and business when registering the Disputed Domain Name. The Panel considers that the Respondent targeted the Complainant when registering the Disputed Domain Name.

Additionally, the Panel is of the opinion that the Respondent registered the Disputed Domain Name to mislead Internet users into believing that the website at the Disputed Domain Name is affiliated with or endorsed by the Complainant, which further supports a finding of the Respondent’s bad faith.

Having reviewed the totality of the evidence presented, the Panel considers that the circumstances of this case fall within the provisions of paragraph 4(b)(iv) of the Policy, which states that the use of a domain name to intentionally attempt “to attract, for commercial gain, Internet users to [the respondent’s] web site 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] web site or location or of a product or service on [the respondent’s] web site or location” is evidence of registration and use in bad faith. The Panel is of the opinion that the Respondent’s intention was to attract Internet users to the webpage at the Disputed Domain Name, by creating a likelihood of confusion and making them believe that said webpage is held, controlled by or related to the Complainant, for the Respondent’s commercial gain.

Furthermore, the use of the Disputed Domain Name for illegitimate activity (here, impersonation/passing off or other types of fraud) constitutes bad faith. [WIPO Overview 3.1](#), section 3.4.

At the time of this Decision, the Disputed Domain Name does not resolve to an active webpage. However, panels have found that the non-use of a domain name would not by itself prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness of the Complainant’s trademark, as well as the composition and prior use of the Disputed Domain Name, and finds that in the circumstances of this case, the current passive holding of the Disputed Domain Name does not prevent a finding of bad faith under the Policy.

The Panel also notes the Respondent’s failure to submit a response in the present proceeding, which may be considered as a further indication of the Respondent’s bad faith.

Having reviewed the record, the Panel finds the Respondent’s registration and use of the Disputed Domain Name constitutes bad faith under the Policy.

Further to all the above, 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 <amwaymoldova.com> be transferred to the Complainant.

/Monica Novac/

Monica Novac

Sole Panelist

Date: July 7, 2026