

## **ADMINISTRATIVE PANEL DECISION**

Laboratoire Terravita v. Jack Patel, David Brown, and Jason Baker  
Case No. D2026-2356

### **1. The Parties**

The Complainant is Laboratoire Terravita, France, represented by Coblence Avocats, France.

The Respondents are Jack Patel, United States of America ("United States"), David Brown, United States, and Jason Baker, United States.

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

The disputed domain names <terravitahealth.shop>, <terravitahq.shop>, and <terravitawellness.shop> are registered with Dynadot Inc (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 1, 2026. On June 2, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On June 3, 2026, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Anonymous / Dynadot Privacy Service, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint.

The Center sent an email communication to the Complainant on June 4, 2026, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaint(s) 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 an amended Complaint on June 6, 2026.

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 June 12, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 2, 2026. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on July 6, 2026.

The Center appointed Marina Perraki as the sole panelist in this matter on July 16, 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 offers nutritional supplements. It is the owner of several LABORATOIRE TERRAVITA and TERRAVITA trademarks, including the International Trademark Registration No. 1601286 TERRAVITA (word), registered on March 10, 2021 for goods in international classes 3, 4, 5, 29 and 32. It maintains its main website at "www.terravita.fr."

The disputed domain names <terravitawellness.shop> and <terravitahq.shop> were registered on May 17 and May 23, 2026, the disputed domain name <terravitahealth.shop> was registered on May 24, 2026.

At the time of filing of the Complaint, all the disputed domain names led to similar websites in French (the "Websites") mimicking that of the Complainant and purportedly selling products of the Complainant. The Websites also copied identical product photographs and descriptions of the Complainant's products. Furthermore, the prices displayed on the Websites appeared abnormally low compared to the market value of the relevant products.

The disputed domain name <terravitawellness.shop> currently leads to a blocked website, <terravitahq.shop> leads to an inactive website and <terravitahealth.shop> leads to the same website mimicking that of 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 names.

##### **B. Respondents**

The Respondents 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) the 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.

## **Consolidation: Multiple Respondents**

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the disputes 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 Complainant's 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 of WIPO Panel Views on Select UDRP Questions (["WIPO Overview 3.1"](#)), section 4.11.2.

As regards common control, the Panel notes that

- all disputed domain names share the same naming pattern: same distinctive string "terravita" and ".shop" generic Top-Level Domain ("gTLD") with the addition of non-distinctive elements ("hq", "wellness", "health");
- they all share the same Registrar;
- they all used the same privacy provider, "Super Privacy Service LTD c/o Dynadot";
- they were all registered around the same time: May 17, May 23 and May 24, 2026; and
- they all lead to similar websites mimicking that of the Complainant which all have the same landing page.

Furthermore, the Respondents appear to have provided false contact details: preliminary online research of the Complainant showed that the addresses appear suspicious; one corresponding to an active mental health center, another to a former hotel converted into affordable housing, and a third to a property listed for sale. Moreover, the email addresses bear no relation to the names provided.

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](#).

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 TERRAVITA mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms, here "wellness", "hq" (short for "headquarters") and "health" as the case may be, 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 names and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

The gTLD “.shop” is disregarded in the case, 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](#), see also [WIPO Overview 3.1](#), section 1.11.1).

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.

On the contrary, as the Complainant has demonstrated, the disputed domain names resolved to the Websites, which featured the Complainant’s trademark and displayed the Complainant’s product images, while purporting to offer the Complainant’s products for sale. Per the Complaint, the Respondent is not an affiliated entity or an authorized distributor or reseller of the Complainant and no agreement, express or otherwise, exists allowing the use of the Complainant’s trademarks on the websites and the use of the disputed domain names by the Respondent. A distributor or reseller can be making a bona fide offering of goods and thus have a legitimate interest in a domain name only if the following cumulative requirements are met (*Ok! Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#); [WIPO Overview 3.1](#), section 2.8.1): (i) respondent must actually be offering the goods at issue; (ii) respondent must use the site to sell only the trademarked goods; (iii) the site must accurately and prominently disclose the registrant’s relationship with the trademark holder; and (iv) respondent must not try to “corner the market” in domain names that reflect the trademark.

These requirements are not cumulatively fulfilled in the present case. Notably, the Websites do not accurately and prominently display any disclaimer of the Respondent’s lack of relationship with the Complainant and generally mimic the look and feel of the Complainant’s site.

The Panel also notes that the Websites appeared, per the Complainant, to have very low prices of the products and they also used a mechanism whereby the price displayed decreased once the product was added to the cart. Furthermore, the Respondent appeared to have provided false contact details and used a privacy service to hide his identity.

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.

The Panel concludes that the Respondent has registered and uses the disputed domain names in bad faith. Because the TERRAVITA mark had been used and registered by the Complainant prior to the disputed domain names registration by the Respondent, and the Respondent used the Complainant's mark on the Websites, which mimicked that of the Complainant, the Panel finds that the Respondent had the Complainant's mark in mind when registering the disputed domain names.

As regards bad faith use of the disputed domain names, the Complainant has demonstrated that they were used to create the Websites which prominently displayed the Complainant's registered trademark and logo, as well as product images and texts, without disclosing their any information as to the lack of relationship with the Complainant and generally mimicking the look and feel of the Complainant's site, thereby giving the false impression that they were operated by the Complainant, or a company affiliated to the Complainant. The disputed domain names operated therefore by intentionally creating a likelihood of confusion with the Complainant's trademark and business as to the source, sponsorship, affiliation, or endorsement of the Websites they resolved to, for the Respondent's commercial gain. This is bad faith registration and use (*Booking.com BV v. Chen Guo Long*, WIPO Case No. [D2017-0311](#); *Ebel International Limited v. Alan Brashear*, WIPO Case No. [D2017-0001](#); *Walgreen Co. v. Muhammad Azeem / Wang Zheng, Nicenic International Group Co., Limited*, WIPO Case No. [D2016-1607](#); *Oculus VR, LLC v. Sean Lin*, WIPO Case No. [DCO2016-0034](#); and [WIPO Overview 3.1](#), section 3.1.4).

The Panel also notes that the Respondent appears to have provided false contact details and used a privacy service seemingly to merely hide his identity from an anticipated complainant, which in this case supports an inference of bad faith.

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 <terravitahealth.shop>, <terravitahealthhq.shop>, and <terravitawellness.shop> be transferred to the Complainant.

/Marina Perraki/

**Marina Perraki**

Sole Panelist

Date: July 30, 2026