

ADMINISTRATIVE PANEL DECISION

Sack Consulting Inc. v. 严卿华 (yan qing hua)
Case No. D2026-2371

1. The Parties

The Complainant is Sack Consulting Inc., United States of America ("United States"), represented by Nelson Mullins Riley & Scarborough, L.L.P., United States.

The Respondent is 严卿华 (yan qing hua), China.

2. The Domain Names and Registrar

The disputed domain names <resilia-oilforegano.store>, <resiliaoil-pureoregano.shop>, <resiliaoil-us.store> and <resilia-oreganooil.store> are registered with Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn) (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on June 2, 2026. On the same day, 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 that differed from the named Respondent ("Redacted for privacy") and contact information in the Complaint. The Center sent an email communication to the Complainant on June 4, 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 amended Complaint in English on June 4, 2026.

On June 4, 2026, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain names is Chinese. On June 4, 2026, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the language of the proceeding.

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 Respondent in Chinese and English of the Complaint, and the proceedings commenced on June 8, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 28, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 30, 2026.

The Center appointed Matthew Kennedy as the sole panelist in this matter on July 3, 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 an online health and nutritional supplements company. The Complainant registered the domain name <resilia.shop> on August 31, 2024 and has used it since that day as an online shop, where it sells and promotes its RESILIA brand supplements, including its top product "RESILIA oil of oregano". On September 19, 2025 and October 30, 2025, the Complainant filed United States trademark applications serial numbers 99402158 and 99471759 for RESILIA and RESILIA OIL OF OREGANO, respectively, both claiming first use in commerce on September 1, 2024, and both specifying goods in International Class 5. The latter application disclaims exclusive use of the words "oil of oregano". Both trademark applications are pending.

The Respondent is purportedly an individual based in China.

The disputed domain names were registered on the dates shown below:

Disputed domain name	Date of registration
<resilia-oreganooil.store>	January 9, 2026
<resilia-oiloforegano.store>	January 23, 2026
<resiliaoil-pureoregano.shop>	February 1, 2026
<resiliaoil-us.store>	February 5, 2026

The disputed domain names do not resolve to any active websites; rather, they are passively held.

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.

Notably, the Complainant contends that the disputed domain names are confusingly similar to a RESILIA mark, in which it holds common law rights.

The Respondent has no rights or legitimate interests in respect of the disputed domain names. The Complainant has not authorized the Respondent to use the RESILIA mark, nor is the Respondent a licensee of the RESILIA mark.

The disputed domain names were registered and are being used in bad faith. The RESILIA mark is a highly distinctive mark that has garnered substantial notoriety since its inception in 2024. The composition of the disputed domain names establishes that the Respondent knew of the Complainant and its RESILIA mark when registering them. The Panel is not precluded from finding that the disputed domain names were registered in bad faith merely because the Respondent is passively holding them.

B. Respondent

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

6. Discussion and Findings

6.1 Procedural Issue - Language of the Proceeding

The language of the Registration Agreements for the disputed domain names is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the Parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.

The Complaint and amended Complaint were filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the disputed domain names are in Latin characters and incorporate the Complainant's mark in English; that the Complainant is unable to communicate in Chinese, and that translation of the Complaint into English would create an unnecessary burden and unreasonable delay.

Despite the Center sending an email regarding the language of the proceeding, and the written notification of the Complaint, in both Chinese and English, the Respondent did not comment on the language of the proceeding or indicate any interest in otherwise participating in this proceeding.

In exercising its discretion to use a language other than that of the registration agreements, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.5.1.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English. The Panel would have accepted a Response in Chinese, but none was filed.

6.2 Substantive Issues

Paragraph 4(a) of the Policy provides that the Complainant must prove each of the following elements with respect to each disputed domain name:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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 burden of proof of each element is borne by the Complainant.

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. See [WIPO Overview 3.1](#), section 1.7.

In the present case, the Complainant has filed trademark applications for RESILIA and RESILIA OIL OF OREGANO, but they are currently pending. Accordingly, without more, these trademark applications do not establish rights for the purposes of the Policy. See [WIPO Overview 3.1](#), section 1.1.4.

The Complainant asserts unregistered rights in a RESILIA mark. In order to establish such rights, it must show that its mark has become a distinctive identifier that consumers associate with its goods and/or services. See [WIPO Overview 3.1](#), section 1.3.

In the present case, RESILIA appears to be a coined term. The Complainant provides an archived screenshot showing that it has used RESILIA in connection with the sale and promotion of its supplements since August 31, 2024. During the 21-month period prior to the filing of the Complaint, the Complainant spent USD 2.8 million on marketing and advertising, mostly on digital platforms. Its website was receiving over one million visits per month by November 2025, and over 3 million visits per month since the beginning of 2026. The Complainant is active on social media; for example, its Facebook account has around 11,700 followers while its YouTube account has around 6,700 followers. The Complainant has averaged around 73,500 units sold per month, averaging USD 4.5 million in sales revenue per month since the launch date, and over USD 14 million in sales revenue per month in the latest five-month period. Further, the manner in which the Respondent has combined RESILIA with a description of the Complainant's top product in the disputed domain names also supports the view that the mark has achieved significance as a source identifier. Based on this evidence, the Panel finds that the Complainant has shown that its RESILIA mark has become a distinctive identifier that consumers associate with its health supplements.

Therefore, the Complainant has shown unregistered rights in respect of the RESILIA mark for the purposes of the Policy. See [WIPO Overview 3.1](#), section 1.3.

The Panel finds the RESILIA mark is recognizable within each of the disputed domain names as their respective initial elements. Despite the addition of words and phrases (variously "oil", "oil of oregano", "oregano oil", or "pure oregano") and, in one case, a geographical reference ("us" for United States) and a hyphen, the mark remains clearly recognizable within each disputed domain name. The only additional element in each disputed domain name is a generic Top-Level Domain ("gTLD") extension (either "shop" or "store") which, as a standard requirement of domain name registration, may be disregarded in the assessment of confusing similarity for the purposes of the first element of the Policy.

Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), sections 1.7, 1.8, and 1.11.1.

Therefore, 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. See [WIPO Overview 3.1](#), section 2.1.

In the present case, the disputed domain names are passively held. The Complainant submits that it has not authorized the Respondent to use the RESILIA mark, nor is the Respondent a licensee of the RESILIA mark. These circumstances do not indicate that the Respondent is using the disputed domain names in connection with a bona fide offering of goods or services, nor that it is making a legitimate noncommercial or fair use of the disputed domain names. Further, the Registrar has verified that the Respondent's name is “严 □ 华 (yan qing hua)”, which does not resemble the disputed domain names. Nothing on the record indicates that the Respondent has been commonly known by the disputed domain names.

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 respect of 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.

Based on the record, the Panel finds the second element of the Policy has been established.

C. Registered and Used 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. See [WIPO Overview 3.1](#), section 3.2.1.

In the present case, the Complainant has provided evidence that its rights in RESILIA arose prior to January 2026. The disputed domain names were registered in January and February 2026, after the Complainant's trademark rights arose in RESILIA. The mark appears to be a coined term. Although the mark is not unique, the disputed domain names not only incorporate it as their respective initial elements, but combine it with terms that describe the Complainant's top product, i.e., “RESILIA oil of oregano” (variously “oil”, “oil of oregano”, “oregano oil”, or “pure oregano”) and, in one case, a reference to the Complainant's country of origin (“us” for United States). The Respondent provides no explanation for his choice of the disputed domain names. In view of these circumstances, the Panel finds that the Respondent registered the disputed domain names with the Complainant and its RESILIA mark in mind.

As regards use, the disputed domain names are passively held. Prior UDRP 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. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. See [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark and the composition of the disputed domain names, and finds that in the circumstances of this case the passive holding of the disputed domain names does not prevent a finding of bad faith under the Policy.

Therefore, 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 <resilia-oilforegano.store>, <resiliaoil-pureoregano.shop>, <resiliaoil-us.store> and <resilia-oreganooil.store> be transferred to the Complainant.

/Matthew Kennedy/

Matthew Kennedy

Sole Panelist

Date: July 6, 2026