ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
AmpHP, Inc. v. 张标鑫 (zhang biao xin)
Case No. D2026-2372

1. The Parties

The Complainant is AmpHP, Inc., United States of America ("United States"), represented by McGrath North Mullin & Kratz, PC LLO, United States.

The Respondent is 张标鑫 (zhang biao xin), China.

2. The Domain Name and Registrar

The disputed domain name <livemomentouse.com> is registered with DNSPod, Inc. (the "Registrar").

3. Procedural History

The Complaint was in English filed with the WIPO Arbitration and Mediation Center (the "Center") on June 2, 2026. On June 2, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 3, 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 (tmpl-uk0cvqcd) and contact information in the Complaint. The Center sent an email communication in Chinese and English to the Complainant on June 5, 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 in English on June 10, 2026.

On June 5, 2026, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On June 16, 2026, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 in Chinese and English of the Complaint, and the proceedings commenced on June 16, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 6, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 8, 2026.

The Center appointed Rachel Tan as the sole panelist in this matter on July 10, 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 in the business of selling nutrition and dietary supplements. The Complainant is the owner of the trademark registrations below:

- United States Trademark MOMENTOUS Registration No. 5755404, registered on May 21, 2019, in classes 5 and 35; and

- United States Trademark for the stylized letter "M", , Registration No. 8031668, registered on November 18, 2025, in classes 5, 21, and 35.

The Complainant owns the domain name <livemomentous.com>, registered on January 31, 2017, from which its official website is operated.

The Respondent is reportedly based in China. The disputed domain name was registered on May 9, 2026. Presently, the disputed domain name resolves to an inactive website. According to the Complainant's evidence, the disputed domain name previously resolved to a website that mimicked the Complainant's official website, displayed the Complainant's MOMENTOUS and  trademarks as well as content taken from the Complainant's official website, and allegedly offered the Complainant's MOMENTOUS branded products.

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 identical or confusingly similar to the Complainant's MOMENTOUS trademark, as it incorporates the identical and dominant element MOMENTOUS of the Complainant's trademark.

The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not commonly known by the disputed domain name. The Complainant has not authorized the Respondent to use the Complainant's trademarks. The Respondent's use of the disputed domain name, which is identical or confusingly similar to the Complainant's trademarks, is not in connection with a bona fide offering of goods or services but rather appears designed to misappropriate the goodwill associated with the Complainant's trademarks.

The Complainant finally contends that the Respondent improperly used the Complainant's MOMENTOUS and  trademarks on the previous website associated with the disputed domain name, along with content taken from the Complainant's official website. Such use demonstrates an intent by the Respondent to capitalize on the reputation and consumer recognition of the Complainant and its

trademarks. The Respondent therefore intentionally misled consumers into believing that its website and products are affiliated with, sponsored by, or endorsed by the Complainant. Further, the Respondent's use of the disputed domain name indicates an intent to exploit the Complainant's trademarks for commercial gain, which further supports the finding that the Respondent had registered and used the disputed domain name in bad faith.

B. Respondent

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

6. Discussion and Findings

6.1 Procedural Issues – Language of the Proceeding

The language of the Registration Agreement for the disputed domain name 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.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, 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).

The Panel notes that the Respondent previously resolved the disputed domain name to a website showing English content, which indicates that the Respondent should be able to understand English.

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. See *Williams-Sonoma, Inc. v. Junhao Luo,* WIPO Case No. D2025-1049.

6.2 Substantive Issues

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 the MOMENTOUS trademark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The generic Top-Level Domain ("gTLD") ".com" as a standard registration requirement should be disregarded in the assessment of confusing similarity under the Policy. WIPO Overview 3.1, section 1.11.1.

The entirety of the Complainant's MOMENTOUS trademark is reproduced within the disputed domain name. While the term "live" and the letter "e" are respectively added before and after the Complainant's MOMENTOUS trademark, the Complainant's MOMENTOUS trademark remains clearly recognizable in the disputed domain name. The Panel finds that the extra term and the letter do not prevent a finding of confusing similarity between the disputed domain name and the Complainant's MOMENTOUS trademark. Accordingly, the disputed domain name is confusingly similar to the Complainant's MOMENTOUS trademark for the purposes of the Policy. WIPO Overview 3.1, sections 1.7 and 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 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.

The information in the case file shows that:

- the Respondent is not affiliated with the Complainant and has not been authorized to use the Complainant's MOMENTOUS trademark in any form;

- there is no evidence proving that the Respondent holds any trademark rights corresponding to the disputed domain name, or has been commonly known by the disputed domain name;

- the disputed domain name previously resolved to a website that mimicked the Complainant's official website, displayed the Complainant's MOMENTOUS and  trademarks as well as content taken from the Complainant's official website, and allegedly offered the Complainant's MOMENTOUS products, without any prominent and accurate explanation of the relationship (or lack thereof) between the Parties. Such use of the disputed domain name indicates the Respondent's intention to divert Internet traffic to the website associated with the disputed domain name by misleading Internet users into believing that the website associated with the disputed domain name is operated or endorsed by the Complainant, which cannot be deemed as a bona fide offering of goods or services or a legitimate noncommercial or fair use;

- the nature of the disputed domain name, which incorporates the Complainant's MOMENTOUS trademark and is confusingly similar to the dominant element of the Complainant's prior domain name, <livemomentous.com>, further supports a finding that, when considered together with the Respondent's previous use of the disputed domain name, the Respondent intends to take unfair advantage of the likelihood of confusion with the Complainant as to the source, sponsorship, affiliation, or endorsement of the website associated with the disputed domain name; and

- no other factors demonstrate any rights or legitimate interests of the Respondent in the disputed domain name.

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.

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 Complainant obtained the trademark registration for MOMENTOUS as early as May 21, 2019, which far predates the registration date of the disputed domain name (May 9, 2026). According to the Complainant's evidence and the Panel's own search, the Panel accepts that the Complainant's MOMENTOUS trademark is established and recognized in the nutrition and dietary supplements industry. The Respondent registered the disputed domain name that fully incorporates the Complainant's MOMENTOUS trademark and resolved the disputed domain name to a website that mimicked the Complainant's official website, displayed the Complainant's MOMENTOUS and trademarks as well as content taken from the Complainant's official website, and allegedly offered the Complainant's MOMENTOUS products. Given these circumstances, the Panel determines that the Respondent had actual knowledge of the Complainant and its MOMENTOUS trademark at the time of registering the disputed domain name, and bad faith is found.

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.

The disputed domain name resolves to an inactive website at the time of the Decision but was used to host a website that mimicked the Complainant's official website, displayed the Complainant's MOMENTOUS and trademarks as well as content taken from the Complainant's official website, and allegedly offered the Complainant's MOMENTOUS products. The Panel holds that by selecting a domain name which is confusingly similar to the Complainant's MOMENTOUS trademark, and using it in the manner as described, the Respondent obviously has intended to attract, for commercial gain, Internet users to the website at the disputed domain name by creating a likelihood of confusion with the Complainant's MOMENTOUS trademark as to the source, sponsorship, affiliation, or endorsement of the website associated with the disputed domain name, which constitutes bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

Given the circumstances above, the current non-use of the disputed domain name does not change the Panel's finding of the Respondent's 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 <livemomentouse.com> be transferred to the Complainant.

/Rachel Tan/
Rachel Tan
Sole Panelist
Date: July 23, 2026