

ADMINISTRATIVE PANEL DECISION

AmpHP, Inc. v. Risawa Atsutomu
Case No. D2026-2375

1. The Parties

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

Respondent is Risawa Atsutomu, United States.

2. The Domain Name and Registrar

The disputed domain name <themomentous.shop> is registered with Spaceship, Inc. (the “Registrar”).

3. Procedural History

The Complaint was 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 2, 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 (019d046f0cdf76c9bf662c37690dd706-SPACESH) and contact information in the Complaint. The Center sent an email communication to Complainant on June 3, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on June 3, 2026.

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 Respondent of the Complaint, and the proceedings commenced on June 5, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 25, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on June 26, 2026.

The Center appointed Timothy D. Casey as the sole panelist in this matter on June 30, 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 sells nutritional supplements and operates a website providing consumer product information in the field of nutritional supplements. Complainant first began using MOMENTOUS as a trademark for nutritional supplements and services associated with providing consumer product information in the field of nutritional supplements as early as 2017, and owns the following registration (the “MOMENTOUS Mark”):

Mark	Jurisdiction	Class(es)	Registration No.	Registration Date
MOMENTOUS	United States	5, 35	5,755,404	May 21, 2019

The disputed domain name was registered on March 19, 2026. Complainant provided evidence indicating that as of June 1, 2026, the disputed domain name resolved to a website providing an online retail store selling nutritional supplement products under the MOMENTOUS Mark that directly competes with Complainant’s online retail store services and nutritional supplement products.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, Complainant contends that it has rights in the MOMENTOUS Mark as evidenced herein, and that the disputed domain name is identical or confusingly similar to the MOMENTOUS Mark because the disputed domain name shares the identical and dominant wording of the MOMENTOUS Mark.

Complainant contends Respondent should be considered to have no rights or legitimate interests in the disputed domain name. Complainant asserts Respondent is not commonly known by the disputed domain name and Complainant has never authorized, licensed, or otherwise permitted Respondent to use the MOMENTOUS Mark. Complainant contends Respondent’s use of the disputed domain name is not in connection with a bona fide offering of goods or services but rather appears designed to misappropriate the goodwill associated with the MOMENTOUS Mark.

Complainant contends the disputed domain name should be considered to have been registered and used in bad faith because: (1) Respondent’s website offers goods for sale using the MOMENTOUS Mark, as well as copyrighted works from Complainant’s website, that directly compete with Complainant’s goods and such improper use does not constitute a legitimate noncommercial or fair use of the disputed domain name, but instead demonstrates an intent by Respondent to capitalize on the reputation and consumer recognition of Complainant; (2) Respondent’s actions are intentionally designed to mislead consumers into believing that its website and products are affiliated with, sponsored by, or endorsed by Complainant, when no such relationship exists; (3) there is no evidence that Respondent has made any preparations to use the disputed domain name in connection with a bona fide offering of goods or services prior to notice of the dispute; (4) Respondent’s conduct indicates an intent to exploit Complainant’s trademark rights for commercial gain; and (5) Respondent’s registration and use of the disputed domain name incorporates the entirety of the MOMENTOUS Mark, which strongly suggests an attempt to trade off Complainant’s goodwill and established reputation in the marketplace.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

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 Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms here, the use of the term "the", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 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.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

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.

In the present case, the Panel notes that Respondent's registration and use of the disputed domain name for a competing website selling nutritional supplement products that directly compete with Complainant's online retail store services and nutritional supplement products disrupts the business of Complainant and intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with Complainant's mark.

Panels have held that the use of a domain name for illegal activity, here, 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 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 <themomentous.shop> be transferred to the Complainant.

/Timothy D. Casey/

Timothy D. Casey

Sole Panelist

Date: July 14, 2026