

ADMINISTRATIVE PANEL DECISION

AmpHP, Inc. v. jack mc
Case No. D2026-2787

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 jack mc, United States.

2. The Domain Name and Registrar

The disputed domain name <momentouscreative.shop> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 26, 2026. On June 26, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 26, 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 (The RDAP server redacted the value, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on June 26, 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 26, 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 July 1, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 21, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on July 22, 2026.

The Center appointed Georges Nahitchevansky as the sole panelist in this matter on July 27, 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, AmpHP, Inc., is a dietary supplement and sports nutrition company based in the state of Utah, United States. Amongst its several products, Complainant owns and uses the name and mark MOMENTOUS for a line of dietary supplements and nutrition products, including creatine and fiber supplements. In the United States, Complainant owns a federal trademark registration for MOMENTOUS (Reg. No. 5,755,404) that issued to registration on May 21, 2019. Complainant also owns a registration for an M logo (Reg. No. 8,031,668) that issued to registration on November 18, 2025. Lastly, Complainant owns and uses the domain name <livemomentous.com> for a website concerning Complainant's MOMENTOUS products and for an online store to buy Complainant's MOMENTOUS products.

Respondent appears to be based in the state of Arizona, United States. Respondent registered the disputed domain name on May 23, 2026. At some point thereafter, Respondent began using the disputed domain name for a website that featured the name and mark MOMENTOUS along with Complainant's M logo and which purported to sell Complainant's products online. That website is not currently accessible.

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 on account of its use and registration of that mark. Complainant argues that the disputed domain name is identical or confusingly similar to its MOMENTOUS mark as it includes the "dominant wording MOMENTOUS set forth in Complainant's trademark registration."

Complainant further contends that Respondent does not have rights or legitimate interests in the disputed domain name as Respondent is (i) not commonly known by the disputed domain name, and (ii) has not been authorized or licensed by Complainant to use the MOMENTOUS mark in connection with nutritional supplements or an online retail store.

Lastly, Complainant asserts that Respondent has registered and used the disputed domain name in bad faith as Respondent has used the disputed domain name to exploit Complainant's goodwill in the MOMENTOUS mark for an online retail store that features Complainant's MOMENTOUS mark and which includes "copyrighted works taken from Complainant's website" for purposes of offering for sale products that compete with those of Complainant.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name was registered and is being used in bad faith.

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. See section 1.7, Overview of WIPO Panel Views on Select UDRP Questions (["WIPO Overview 3.1"](#)).

Complainant has shown rights in its MOMENTOUS mark for purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1. Here, the MOMENTOUS mark is fully incorporated and clearly visible in the disputed domain name. Although the addition of the element "creatine" may bear on the assessment of the second and third elements, the Panel finds the addition of such element does not prevent a finding of confusing similarity between the disputed domain name and the MOMENTOUS mark for 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 a 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 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 that Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent, who has chosen not to appear in this proceeding, 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

Here, the disputed domain name fully incorporates Complainant's exact MOMENTOUS mark and name with the descriptive term "creatine", a nutritional supplement that Complainant offers for sale. As such, the disputed domain name is likely to be mistakenly seen by consumers as related to or associated with Complainant and/or its products and services. Additionally, the disputed domain name has resolved to a website that essentially impersonated Complainant and purported to offer for sale Complainant's products. The website, for example, featured Complainant's M logo, copied images and text from Complainant's website at the domain name <livemomentous.com>, and displayed Complainant's products without any disclaimer or explanation of the connection between Respondent and Complainant.

Although it is not clear from the evidence submitted whether Respondent's website, which is now down, actually sold genuine or counterfeit versions of Complainant's products, or was instead a phishing vehicle to

obtain credit card and other information from unsuspecting customers and/or a fraudulent website to secure payments without delivering any products, what has been provided by Complainant puts into question the legitimacy of Respondent's actions. This is underscored by the fact that Respondent has failed to come forward with any evidence justifying its actions of using a domain name that conjures up Complainant for a website that passes itself off as Complainant.

In all, the evidence before the Panel, at the very least, confirms that Respondent has used the disputed domain name and associated website to attract and mislead consumers into believing there is a connection with Complainant when none exists. Such use of the disputed domain name for the profit of Respondent is not a legitimate interest. [WIPO Overview 3.1](#) at section 2.5.3.

The Panel thus 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 view of Respondent's actions, and failure to appear in this proceeding, it appears more likely than not that Respondent's registration and use of the disputed domain name, which is clearly based on Complainant's MOMENTOUS mark and name, has been done opportunistically and in bad faith for the benefit or profit of Respondent. The disputed domain name and associated website essentially impersonate Complainant, was registered well after Complainant had established rights in its MOMENTOUS mark and name, and appears to have been used as part of a scheme for Respondent's benefit. Such use of the disputed domain name to attract unsuspecting consumers for profit by taking unfair advantage of Complainant's marks constitutes bad faith. [WIPO Overview 3.1](#), sections 3.1.4.

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 <momentouscreative.shop> be transferred to Complainant.

/Georges Nahitchevansky/

Georges Nahitchevansky

Sole Panelist

Date: August 10, 2026