ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
NeuroGum, Inc. v. Jon Du
Case No. D2026-2788

1. The Parties

Complainant is NeuroGum, Inc., United States of America ("United States"), represented by The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC, United States.

Respondent is Jon Du, United States.

2. The Domain Name and Registrar

The disputed domain name <shopneurogum.com> is registered with NameSilo, LLC (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 (Unknown) and contact information in the Complaint. The Center sent an email communication to Complainant on June 29, 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 29, 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 6, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 26, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on July 29, 2026.

Center appointed Lorelei Ritchie as the sole panelist in this matter on August 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

Complainant is a company based in the United States. Since at least 2015, Complainant has offered caffeine-infused gum and related products under the mark NEUROGUM.

In this regard, Complainant owns registrations for its NEUROGUM mark, including United States Registration No. 4,817,932 (registered September 22, 2015), and International Registration No. 1880896 (registered September 15, 2025). Complainant also owns the registration for the domain name <neurogum.com> (registered May 8, 2013), which Complainant uses to communicate with prospective consumers online.

The disputed domain name was registered on August 10, 2025. The disputed domain name is not currently linked to an active website. Respondent nevertheless has no affiliation with Complainant, nor any license to use its marks.

5. Parties' Contentions

A. Complainant

Complainant contends that (i) the disputed domain name is identical or confusingly similar to Complainant's trademarks, (ii) Respondent has no rights or legitimate interests in the disputed domain name; and (iii) Respondent registered and is using the disputed domain name in bad faith.

Specifically, Complainant contends that it has "longstanding" rights to the NEUROGUM mark, which Complainant uses on its caffeine-infused gums and related products "available in more than 20,000 stores (including CVS, Walmart, Target, Whole Foods, Albertsons and Meijer) as well as on Amazon" resulting in sales of "more than 50 million units".. Complainant contends that the disputed domain name incorporates in full Complainant's NEUROGUM mark, with the inclusion only of the word "shop" which consumers will likely understand as referencing a site offering Complainant's NEUROGUM products.

Complainant asserts that Respondent lacks rights or legitimate interest in the disputed domain name, and rather has registered and is using it in bad faith, presumably for Respondent's own commercial gain. Complainant contends that Respondent did not respond to previous correspondence from Complainant that attempted to resolve this matter, and that rather Respondent submitted false contact information to the Registrar. Furthermore, Complainant submitted testimony contending that Respondent has previously utilized the disputed domain name to resolve to a site that purported to sell Complainant's NEUROGUM products, with a likely intent to impersonate Complainant.

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

the 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 the NEUROGUM mark, for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The Panel finds that the NEUROGUM mark is recognizable within the disputed domain name. Although the addition of other terms (here the term "shop") 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 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.

Complainant has established rights to the mark incorporated in the disputed domain name, and a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not put forward any claims or evidence that would suggest rights or legitimate interests for purposes of the Policy.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

There are several ways that a complainant can demonstrate that a domain name was registered and used in bad faith. As noted in Section 4 of this Panel's decision, the disputed domain name is not currently linked to an active website. It is nevertheless well established that having a passive website does not necessarily shield a respondent from a finding of bad faith. See WIPO Overview 3.1, section 3.3, which notes that the "non-use of a domain name" does not necessarily negate a finding of bad faith.

Rather, a panel must examine "the totality of the circumstances," including, for example, the degree of distinctiveness or reputation of the complainant's mark, the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, the respondent's taking active steps to conceal its identity or the use of false or inaccurate contact details (noted to be in breach of the respondent's registration agreement). See WIPO Overview 3.1, section 3.3.

Complainant has established prior rights in the NEUROGUM mark, which was apparently known to Respondent, who has previously linked the disputed domain name to a website purporting to sell Complainant's NEUROGUM products. The disputed domain name carries a risk of implied affiliation with Complainant and its NEUROGUM mark noting the composition of the disputed domain name. Furthermore, Respondent did not submit any reply to correspondence from Complainant nor to Complainant's contentions in this proceeding, and used a privacy service to conceal its identity.

The Panel finds the third element of the Policy has been established.

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 <shopneurogum.com> be transferred to Complainant.

/Lorelei Ritchie/
Lorelei Ritchie
Sole Panelist
Date: August 5, 2026