

ADMINISTRATIVE PANEL DECISION

Sack Consulting Inc. v. Fahmi Nechba
Case No. D2026-2873

1. The Parties

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

The Respondent is Fahmi Nechba, United States.

2. The Domain Name and Registrar

The disputed domain name <resiliaoregano.com> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 22, 2026. On July 1, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 2, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 of the Complaint, and the proceedings commenced on July 8, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 28, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Parties of the Respondent's default on August 6, 2026.

The Center appointed Ingrida Kariņa-Bērziņa as the sole panelist in this matter on August 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 a company registered in California, United States, that offers health and nutritional supplements for sale online, including an oregano oil supplement under the RESILIA mark. It is the proprietor of the following trademark registrations:

- United States Trademark Registration No. 8398331 for RESILIA (word mark), registered on August 18, 2026 for goods in class 5, claiming a date of first use of September 1, 2024;
- United States Trademark Registration No. 8398689 for RESILIA OIL OF OREGANO (word mark), registered on August 18, 2026 for goods in class 5, also claiming a date of first use of September 1, 2024.

The Complainant operates its primary business website at the domain name <resilia.shop>, which it registered on August 31, 2024. The Complainant asserts unregistered trademark rights based on the launch of its online business at that website on August 31, 2024 and its aggressive marketing since that date. In particular, the Complainant states that its website has had approximately 1.1 million visitors per month. The Complainant is active on social media, with 11,700 Facebook followers, 8,500 Instagram followers, 2,600 TikTok followers and 6,700 YouTube followers. The Complainant provides information regarding number of units sold and average monthly revenues of the Complainant's product sold under the RESILIA mark.

The disputed domain name was registered on March 13, 2026. At the time of this Decision, it resolved to a website that appeared to offer for sale consumer products under the "BreezaMax" brand. The record contains evidence that it previously resolved to a website displaying the Complainant's RESILIA mark and purporting to offer for sale an oregano oil supplement.

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 it began offering the RESILIA oregano supplement for sale in 2024. The disputed domain name contains the Complainant's RESILIA mark in its entirety, together with the term "oregano", which is a direct reference to the Complainant's products. The Respondent is not authorized to use the Complainant's mark. The disputed domain name resolved to a copycat website on which the Respondent attempted to impersonate the Complainant.

The Complainant requests transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the UDRP requires the Complainant to make out all three of the following:

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

Under paragraph 15(a) of the Rules, “[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

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.

The 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. However, while the UDRP makes no specific reference to the date on which the holder of the trademark or service mark acquired its rights, such rights must be in existence at the time the complaint is filed. According to the record, the Complainant’s trademarks were registered after the filing of the Complaint.

Accordingly, the Panel assesses whether the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. Based on the unrebutted evidence presented, the Panel finds that the Complainant has established unregistered trademark rights in the RESILIA and RESILIA OIL OF OREGANO marks for the purposes of the Policy. In this respect, the Complainant has provided evidence that it has been using these marks as a source identifier of its products offered through the website at its domain name <resilia.shop> since August or September 2024 such that the Panel finds that the unrebutted evidence filed by the Complainant proves that the marks RESILIA and RESILIA OIL OF OREGANO have acquired sufficient relevant secondary meaning in connection with the Complainant’s products sufficient to confer trademark rights on the Complainant. The fact that the Respondent has targeted the Complainant by directing the disputed domain name to a website featuring the Complainant’s mark confirms the Complainant’s assertion that its trademark has acquired significance as a source identifier. [WIPO Overview 3.1](#), section 1.3.

The entirety of the RESILIA mark is reproduced within the disputed domain name, and the RESILIA OIL OF OREGANO mark is recognizable within it. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

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 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.

In particular, the Panel notes that the disputed domain name reflects the entirety of the Complainant's RESILIA mark, followed by the term "oregano", which is a dominant element of the Complainant's RESILIA OIL OF OREGANO mark, indicating an affiliation with the Complainant. Such a composition, on balance, signals an intention on the part of the Respondent to mislead users into believing the disputed domain name is operated by the Complainant and cannot lead to a finding that the Respondent has rights or legitimate interests in the disputed domain name. [WIPO Overview 3.1](#), section 2.5.1.

The Panel does not find that the record supports a finding that the Respondent is commonly known by the disputed domain name or is making legitimate noncommercial use of it. The record indicates that the disputed domain name previously resolved to a website featuring the Complainant's mark and purportedly offering oil of oregano for sale. Panels have held that the use of a domain name for illegitimate 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 finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark. The Complainant's rights in the RESILIA and RESILIA OIL OF OREGANO marks predate the registration of the disputed domain name by nearly two years. The inherently misleading disputed domain name contains the Complainant's mark together with the term "oregano", which creates a risk of confusion reinforced by the use of the disputed domain name for a website displaying the Complainant's mark and purportedly offering identical products for sale. Accordingly, the Panel finds that the disputed domain name was registered in bad faith. [WIPO Overview 3.1](#), section 3.1.4.

The record reviewed by the Panel leaves no doubt that the Respondent selected the disputed domain name that reflects the Complainant's earlier mark and proceeded to use it in a way that implies a connection with the Complainant and its products. The evidence in the case file as presented indicates that the Respondent's aim in registering the disputed domain name was to profit from or exploit the Complainant's trademark by attempting to pass itself off as the Complainant. See paragraph 4(b)(iv) of the Policy. The later use of the disputed domain name to direct to a site offering entirely different products does not prevent a finding of bad faith in the circumstances of this case.

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 <resiliaoregano.com> be transferred to the Complainant.

/Ingrīda Kariņa-Bērziņa /

Ingrīda Kariņa-Bērziņa

Sole Panelist

Date: August 25, 2026