

## **ADMINISTRATIVE PANEL DECISION**

Kalmbach Feeds, Inc. v. Anthony Anderson  
Case No. D2026-3137

### **1. The Parties**

The Complainant is Kalmbach Feeds, Inc., United States of America ("United States"), represented by Standley Law Group LLP, United States.

The Respondent is Anthony Anderson, United States.

### **2. The Domain Name and Registrar**

The disputed domain name <tributeequinenutritionpets.shop> is registered with Dynadot Inc (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 16, 2026. On July 17, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 20, 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 (Dynadot Privacy Service, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 21, 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 amended Complaint on July 22, 2026.

The Center verified that the Complaint together with the amended 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 August 3, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 23, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Parties of the Respondent's default on August 24, 2026.

The Center appointed Ingrida Kariņa-Bērziņa as the sole panelist in this matter on August 28, 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 United States company that markets feeds, nutritional supplements, and other nutritional items for livestock, pets, wildlife, and specialty animals under several brands, including TRIBUTE EQUINE NUTRITION, for which it has registered several trademarks, including the following:

- United States Trademark Registration No. 3077564 for TRIBUTE (word mark), registered on April 4, 2006 for goods in class 31;
- United States Trademark Registration No. 3083650 for **TRIBUTE** (device mark), registered on April 18, 2006 for goods in classes 5 and 31;
- United States Trademark Registration No. 6002696 for TRIBUTE EQUINE NUTRITION (word mark), registered on March 3, 2020 for goods in classes 5 and 31.

The Complainant operates its primary business website at the domain name <tributeequinenutrition.com>.

The disputed domain name was registered on May 27, 2026. At the time of filing of the Complaint and of this Decision, it resolved to a website displaying the TRIBUTE device mark and purporting to offer “Tribute” branded products for sale. The website displays the following text: “Elevate Your Horse's Potential. Premium fortified supplements and personalized nutrition plans designed for your equine athlete's peak performance”, above a button inviting Internet users to “Shop Now”. The website's “About Us” page provides information about “Tribute Equine Nutrition” as the entity allegedly operating it.

#### **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 has sold products under its TRIBUTE EQUINE NUTRITION brand since at least as early as November 26, 2008. Through use and advertising, the mark has become well-recognized around the world. The disputed domain name incorporates the Complainant's mark in its entirety, with only a minor alteration: adding the term “pets”, which refers to the product type and therefore does not avoid a finding of confusing similarity. The Complainant has not authorized, licensed, or otherwise permitted the Respondent to use its TRIBUTE EQUINE NUTRITION trademark, nor to register any domain name incorporating that mark, nor to use any content from Complainant's website. The Respondent is not an authorized reseller of Complainant's goods, nor is it commonly known by the disputed domain name. The disputed domain name is being used in connection with a website that displays the Complainant's goods for sale at significant discounts. The website displays content and product images from the Complainant's website and states it is operated by the Complainant, thereby demonstrating the Respondent's intent to mislead Internet users.

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; and
- (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.

The entirety of the Complainant’s TRIBUTE EQUINE NUTRITION mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms (here, “pets”) may bear on assessment of the second and third elements, the Panel finds the addition of such a 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 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 composition of the disputed domain name, which reflects the entirety of the Complainant's TRIBUTE EQUINE NUTRITION trademark, coupled with its use to resolve to a website in which the Respondent tries to impersonate the Complainant, signals the Respondent's intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the origin or affiliation of the website.

The Respondent does not rebut the Complainant's assertion that the Parties are unrelated. The evidence indicates that the Respondent's website purports to be operated by "Tribute Equine Nutrition" and displays the Complainant's marks and images of its products without any disclaimer of the lack of relationship between the Parties. 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 the Respondent intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark. The disputed domain name was registered 20 years after the Complainant registered its TRIBUTE mark and six years after it registered its TRIBUTE EQUINE NUTRITION trademark. It reflects the Complainant's mark in its entirety, followed by the term "pets", which suggests a connection to the Complainant. The Panel further notes the similarity with the Complainant's own domain name. Under these circumstances, the Panel finds that the disputed domain name was registered in bad faith. [WIPO Overview 3.1](#), section 3.1.

The record contains un rebutted evidence that the disputed domain name resolves to a website featuring the Complainant's mark, posing as the Complainant and purporting to offer the Complainant's products at discounted prices. Such conduct is clearly indicative of bad faith use of the disputed domain name. Panels have held that the use of a domain name for illegal activity (here, claimed 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 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 <tributeequinenutritionpets.shop> be transferred to the Complainant.

*/Ingrīda Kariņa-Bērziņa/*

**Ingrīda Kariņa-Bērziņa**

Sole Panelist

Date: September 11, 2026