

ADMINISTRATIVE PANEL DECISION

Sack Consulting Inc. v. Farouk yasser
Case No. D2026-3208

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 Farouk yasser, Cyprus.

2. The Domain Name and Registrar

The disputed domain name <resilianow.com> (the "Domain Name") is registered with Tucows Domains Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 21, 2026. On July 22, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On July 22, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Contact Privacy Inc. Customer 0178747949) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 24, 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 27, 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 July 28, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 17, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 19, 2026. The Respondent sent an email communication to the Center on August 19, 2026, inquiring about filing a late response. The Center replied to the inquiry the following day.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on August 24, 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 to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant offers health and nutritional supplements, including RESILIA oil of oregano supplement. It can be purchased online at “www.resilia.shop”. Since the launch in 2024, the Complainant has advertised RESILIA supplements on social media platforms with the Complainant’s website on average totaling 1.1 million visitors per month. The Complainant is averaging USD 4.5 million in sales revenue per month. The Complainant has pending trademark applications.

The Domain Name was registered on June 30, 2026. The Complainant documents that the Domain Name resolves to a website impersonating the Complainant’s website.

5. Parties’ Contentions

A. Complainant

The Complainant provides evidence of its trademark applications and argues that the Complainant has obtained common law rights in the RESILIA Mark dating back to 2024 when the Complainant first began using its trademark. The Complainant argues that the Domain Name is confusingly similar to the Complainant’s trademark as the Domain Name incorporates the Complainant’s trademark in its entirety, with the addition of “now”. The addition does nothing to distinguish the Domain Name from the Complainant’s trademark.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the Domain Name. The Complainant has not authorized the Respondent to use its trademarks. The Respondent is not commonly known by the RESILIA Mark. The Domain Name carries a risk of implied affiliation with the Complainant. The Respondent’s actual use of the Domain Name to impersonate the Complainant and to potentially obtain visitor’s personal information does not provide the Respondent with any rights or legitimate interests in the Domain Name for purposes of the Policy.

The Complainant asserts that the Respondent knew of the Complainant when the Respondent registered the Domain Name. It is evident from the Respondent’s use of the Domain Name to host a copycat site. It is clear from the composition of the Domain Name and the content of the Respondent’s website that the Respondent tries to create an initial interest confusion to drive traffic to its copycat website. The Respondent’s use of the Domains Name is clearly in bad faith.

B. Respondent

The Respondent did not submit a reply to the Complainant’s contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

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

The Panel is satisfied that the Complainant has established that it has common law trademark rights in RESILIA for purposes of the Policy. The sign RESILIA has become a distinctive identifier which consumers associate with the Complainant's goods. See [WIPO Overview 3.1](#), section 1.3.

In this case, the Domain Name incorporates the Complainant's common law trademark with the addition of "now". This addition does not prevent a finding of confusing similarity between the Domain Name and the trademark. For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain ("gTLD"). See [WIPO Overview 3.1](#), section 1.11.1.

The Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

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. While 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 often impossible 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 (although the burden of proof always remains on the complainant). If the respondent fails to come forward with relevant evidence, the complainant is deemed to have satisfied the second element. See [WIPO Overview 3.1](#), section 2.1.

Having reviewed the record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Domain Name. The Respondent has not rebutted the Complainant's showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name. Based on the record, the Respondent is not affiliated or related to the Complainant. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired trademark rights. There is no evidence of the Respondent's use of, or demonstrable preparations to use, the Domain Name in connection with a bona fide offering of goods or services. On the contrary, the Respondent's use of the Domain Name is evidence of bad faith, see below. Furthermore, the Panel finds that the nature of the Domain Name carries a risk of implied affiliation and its use cannot be considered fair as it falsely suggests affiliation. See [WIPO Overview 3.1](#), section 2.5.1.

Based on the available record, 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.

The composition and use of the Domain Name make it clear that the Respondent was aware of the Complainant when the Respondent registered the Domain Name. Based on the available record, it appears that the Respondent intended to create a likelihood of confusion with the Complainant's common law trademark as to the source, sponsorship, affiliation, or endorsement. The Domain Name was used to host an impersonating website, which constitutes bad faith use. See [WIPO Overview 3.1](#), section 3.4.

For the reasons set out above, the Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of paragraph 4(a)(iii) of the Policy. 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 the Domain Name <resilianow.com> transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: August 25, 2026