

ADMINISTRATIVE PANEL DECISION

Sack Consulting Inc. v. 张标鑫(Zhang Biao Xin)
Case No. D2026-3209

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 张标鑫 (Zhang Biao Xin), China.

2. The Domain Name and Registrar

The disputed domain name <resiliah.com> is registered with DNSPod, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed in English 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 disputed domain name. On July 23, 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 the Complainant on July 23, 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 in English on July 23, 2026.

On July 23, 2026, the Center informed the parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On July 23, 2026, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 in Chinese and English of the Complaint, and the proceedings commenced on July 27, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 16, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 17, 2026.

The Center appointed Deanna Wong Wai Man as the sole panelist in this matter on August 18, 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 based in the United States, founded in 2024 and operating an online health and nutritional supplements business. The Complainant states that it began using the RESILIA brand in connection with oil-of-oregano supplements in 2024. It operates an online e-commerce store at the domain name <resilia.shop>, which was registered on August 31, 2024, and has been continuously operated since then. The Complainant promotes its RESILIA-branded supplements through social media platforms including Instagram, Facebook, TikTok and YouTube. The Complainant's evidence states that its website has averaged approximately 1.1 million visitors per month, and that it has incurred substantial advertising expenditure and generated substantial sales for its products under the RESILIA brand.

The Complainant has pending United States trademark applications for the following marks: United States Patent and Trademark Office, Trademark Application No. 99402158, for the mark RESILIA, filed on September 19, 2025; and (ii) United States Patent and Trademark Office, Trademark Application No. 99471759, for the mark RESILIA OIL OF OREGANO, filed on October 30, 2025. Both applications cover dietary and nutritional supplements in International Class 5 and claim first use in commerce on September 1, 2024. The applications were published for opposition and remained pending as of the evidence submitted in this proceeding.¹ Accordingly, in the present proceeding, the Complainant relies on alleged unregistered common law trademark rights in the RESILIA mark arising from its use in commerce since September 1, 2024.

The disputed domain name <resiliah.com> was registered on July 10, 2026. According to the evidence submitted, it resolved to an active e-commerce website prominently displaying the RESILIA marks and purportedly offering "Resilia Oil Of Oregano Softgels" for sale. A website capture dated July 15, 2026, shows the use of the RESILIA name and branding, together with product descriptions, imagery, promotional material, and purchasing functionality corresponding to the Complainant's RESILIA supplement products. However, the Panel notes that on the date of this Decision, the disputed domain name directs to an error website.

The Respondent is an individual, reportedly based in China.

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 unregistered trademark rights in the mark RESILIA arising from its use of the mark in commerce since 2024 and the substantial reputation and goodwill it has acquired through its marketing and sale of RESILIA supplements; that the disputed domain name is confusingly

¹ At the time of this decision, these trademarks had been registered with a registration date of August 18, 2026.

similar to RESILIA because it reproduces the mark in its entirety with only the addition of the letter “h”; and that the generic Top-Level Domain does not distinguish the disputed domain name from the Complainant’s mark.

As to the second element, the Complainant contends that it has not licensed, authorized, or otherwise permitted the Respondent to use the RESILIA mark and that the Respondent is not an authorized reseller of its products; that there is no evidence that the Respondent is commonly known by the disputed domain name or has any affiliation or other relationship with the Complainant; and that the Respondent cannot establish rights or legitimate interests through a bona fide offering of goods or services or legitimate noncommercial or fair use because the disputed domain name resolves to an e-commerce website that uses the RESILIA name and branding and offers products corresponding to those of the Complainant, while reproducing materials from the Complainant’s website.

As to the third element, the Complainant contends that the Respondent registered the disputed domain name with knowledge of the Complainant and its RESILIA mark and has used it to impersonate or closely imitate the Complainant and its online store; that the disputed domain name was registered shortly after the Complainant had established substantial commercial use and reputation in RESILIA; and that the Respondent’s use of the disputed domain name for a copycat e-commerce website displaying the RESILIA name, branding, product images, descriptions, and promotional material was intended to create a likelihood of confusion with the Complainant as to the source, sponsorship, affiliation, or endorsement of the website and the products offered there, and thereby to attract Internet users for commercial gain.

B. Respondent

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

6. Discussion and Findings

6.1 Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint and amended Complaint were filed in English. The Complainant requested that the language of the proceeding be English, noting that the disputed domain name is composed of Latin characters, the website associated with the disputed domain name is presented in English and targets English-speaking consumers, and the Respondent’s use of an English-language commercial website indicates an ability to communicate in English. The Complainant further submitted that requiring translation of the Complaint into Chinese would result in unnecessary cost and delay.

The Respondent did not make any submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties’ ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Select UDRP Questions ([“WIPO Overview 3.1”](#)), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2 Decision on the Merits

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 3.1](#), section 1.7.

The Panel finds the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.3.

In this regard, the Panel refers to the evidence showing that the Complainant has used the RESILIA mark in connection with its supplements since at least September 2024, including through its "www.resilia.shop" website and social media channels. The Panel accepts that the Complainant's evidence also indicates substantial commercial activity under the mark, including significant advertising expenditure, website traffic, social media following, and sales. The Panel further notes that other panels applying the Policy have previously considered the Complainant's evidence and found that it had established unregistered rights in RESILIA, including *Sack Consulting Inc. v. 严卿华 (yan qing hua)*, WIPO Case No. [D2026-2371](#), and *Sack Consulting Inc. v. Zia Ahmed, Valentina Vorovska, Pricer Zachary, Clark Hannah Katie, Ronald Sanchez*, WIPO Case No. [D2026-2321](#). While those findings are not binding on this Panel, they are consistent with the evidence submitted to the Panel. In the circumstances of the case, the Panel therefore finds that the Complainant has demonstrated that RESILIA has become a distinctive identifier associated with the Complainant and its supplements and recognizes the RESILIA mark as an unregistered trademark for the purposes of this proceeding.

The entirety of the 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.

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 Panel notes that the Complainant has not licensed, authorized, or otherwise permitted the Respondent to use its RESILIA trademark or to register a domain name incorporating such mark. There is no evidence that the Respondent is in any way affiliated with, or otherwise has any relationship with, the Complainant. Further, there is also no evidence that the Respondent has been commonly known by the disputed domain

name. Instead, upon review, the Panel notes that the evidence shows that the disputed domain name resolved to a commercial website prominently displaying the Complainant's RESILIA trademark, reproducing the Complainant's product branding and materials, and offering what are purported RESILIA-branded products for sale. The Panel finds that such use is clearly commercial in nature and, given the Respondent's unauthorized use of the Complainant's RESILIA trademark and materials to purportedly offer products for sale, does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use. Panels have consistently held that the use of a domain name for illegitimate activity, including passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

Finally, the Panel notes that the disputed domain name wholly incorporates the Complainant's RESILIA trademark, with the addition of the letter "h". In these circumstances, the Panel considers that the disputed domain name may cause confusion among Internet users, as such a misspelling could easily be overlooked.

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 registered the disputed domain name on July 10, 2026, i.e. after the Complainant had established unregistered rights in its RESILIA trademark through use since 2024. Given the composition of the disputed domain name, which incorporates the Complainant's RESILIA trademark in its entirety with only the addition of the letter "h", the Panel finds that the Respondent knew, or at least should have known, of the Complainant's trademark rights when registering the disputed domain name. This finding is further supported by the Respondent's subsequent use of the disputed domain name for a commercial website prominently displaying the Complainant's RESILIA trademark and purportedly offering RESILIA-branded products for sale, while reproducing the Complainant's product presentation and other website content. In these circumstances, the Panel finds that the disputed domain name was registered in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.1](#), section 3.2.1.

As to use in bad faith, the Panel accepts 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 RESILIA trademark as to the source, sponsorship, affiliation, or endorsement of the website at the disputed domain name and the products offered on it. The Panel finds that the Respondent's use of the disputed domain name to operate a website prominently displaying the Complainant's RESILIA trademark and offering purported RESILIA-branded products for sale, while reproducing the Complainant's product presentation, descriptions, and other website content, is a clear attempt to impersonate the Complainant or pass the website off as the Complainant's website. Panels have held that the use of a domain name for illegitimate activity here, claimed copycat sites and passing off, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4.

As to the current status of the disputed domain name, directing to an error website, panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of 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 <resiliah.com> be transferred to the Complainant.

/Deanna Wong Wai Man/

Deanna Wong Wai Man

Sole Panelist

Date: August 24, 2026