

ADMINISTRATIVE PANEL DECISION

LODO IP, LLC v. 李明

Case No. D2026-3458

1. The Parties

Complainant is LODO IP, LLC, United States of America (“United States”), represented by Milgrom Daskam & Ellis, United States.

Respondent is 李明, United States.

2. The Domain Name and Registrar

The disputed domain name <shopvitalitty.it.com>¹ is registered with Dynadot LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 4, 2026. On August 11, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 13, 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 Holder of the Disputed Domain Name) and contact information in the Complaint. The Center sent an email communication to Complainant on August 17, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on August 18, 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 Respondent of the Complaint, and the proceedings commenced on August 28, 2026. In accordance with the Rules, paragraph 5, the due

¹ The Panel notes that is a third-level domain name falling under the .it.com Dispute Resolution Policy, which provides that the registrants agree to abide by the results of a UDRP proceeding if informal resolution in coordination with IT.com Domains is unsuccessful. The Complainant has provided evidence that it filed an abuse complaint with IT.com Domains, and the Panel has received no confirmation that any settlement had taken place under the it.com Dispute Resolution Procedure. The Panel will accordingly proceed to a decision under the UDRP.

date for Response was September 17, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on September 18, 2026.

The Center appointed Frederick M. Abbott as the sole panelist in this matter on September 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 by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

Complainant is a limited liability company (LLC) organized in the State of Colorado, United States. Complainant markets and sells clothing and accessories, primarily athletic and leisurewear, at a commercial website located at the domain name <shopvitality.com>. Complainant's website suggests that it began doing business in 2018.²

Complainant is the owner of registrations for the word, and the word and design mark, VITALITY, on the Principal Register of the United States Patent and Trademark Office ("USPTO"), including: registration number 5352936, registration dated December 12, 2017, in International Class ("IC") 25, covering "clothing, namely, hats, shirts, tank tops, t-shirts, hoodies, sweatshirts"; registration number 6603141, registration dated December 28, 2021, in IC 25, covering bodysuits and other clothing, as further specified; registration number 6835519, registration dated August 30, 2022, in IC 25, covering clothing of various types as specified, and word and design trademark VITALITY (with the stylized "A"), registration number 7087953, registration dated June 20, 2023, in IC 18, 21, 25 and 35. covering handbags, sports bags and backpacks, among other related clothing goods and accessories.

According to the registrar's verification, Respondent is registrant of the disputed domain name. According to the Whois report, the disputed domain name was registered on May 12, 2026.

Respondent has used the disputed domain name to direct Internet users to a website headed with the word and design VITALITY trademark registered by Complainant. The page screenshot provided by Complainant states "BE THE FIRST TO KNOW, don't miss out on sales, new arrivals and exclusive offers. Save 15% when you sign up for emails", with a "SHOP NOW" button underneath. Respondent's contact information is listed, including an email address with "info" as recipient addressee, and the disputed domain name as the receiving domain. Respondent's webpage also includes identifying symbols for credit card providers. There are no products posted on the page based on the evidence provided by Complainant. However, Complainant indicates that Respondent has used the disputed domain name and associated website to sell counterfeit versions of Complainant's branded products at discount prices without Complainant's permission. According to Complainant, Respondent's website has included photographs of Complainant's products with the exact descriptions of the products quoted verbatim.³

There is no evidence on the record of this proceeding of any association, commercial or otherwise, between Complainant and Respondent.

²Panel's visit of October 3, 2026. Noting the general powers of a panel articulated in paragraphs 10 and 12 of the Rules, it is commonly accepted that a panel may undertake limited factual research into matters of public record, as the Panel has done in this proceeding. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.8.

³Complainant has not provided an explanation why its screenshot evidence of Respondent's website is limited to a single page that does not display products. It appears that Respondent's website is not currently active.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, Complainant contends that it owns rights in the trademark VITALITY and that the disputed domain name is confusingly similar to its trademark.

Complainant argues that Respondent lacks rights or legitimate interests in the disputed domain name because: (1) Respondent is using the disputed domain name to sell counterfeits of Complainant's products without permission; (2) the disputed domain name is confusingly similar to Complainant's trademark; (3) Respondent's website uses Complainant's word and design mark to suggest that Respondent's products are provided by Complainant; and (4) Respondent uses verbatim text and copies of photographs from Complainant's website without Complainant's authorization.

Complainant alleges that Respondent registered and is using the disputed domain name in bad faith because: (1) Respondent registered the disputed domain name with the primary purpose of selling counterfeit versions of Complainant's products at discount prices, thereby intending to disrupt Complainant's business; (2) Respondent registered and used the disputed domain name to divert customers of Complainant to Respondent's website; (3) by using Complainant's trademark throughout its website and selling counterfeits of Complainant's products, Respondent has intentionally for commercial gain created a likelihood of confusion with Complainant and its mark as to source, sponsorship, affiliation or endorsement of Respondent's website.

Complainant requests the Panel to direct the Registrar to transfer the disputed domain name to Complainant.

B. Respondent

Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy sets forth three elements that must be established by a complainant to merit a finding that a respondent has engaged in abusive domain name registration and use and to obtain relief.

These elements are that:

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

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 Complainant's trademark and the disputed domain name. [WIPO Overview 3.1](#), section 1.7.

Complainant has shown rights in respect of the trademark VITALITY for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name. The disputed domain name consists of a variation of Complainant's trademark, adding an extra letter "t" to it. This does not prevent a finding of confusing similarity under the Policy as Complainant's mark remains recognizable 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](#), sections 1.7, and 1.9.

Respondent's use of the ".it" second-level domain in association with the ".com" generic Top-Level Domain ("gTLD") does not affect the Panel's confusing similarity analysis.

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 Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on Complainant, panels have recognized that proving that Respondent lacks rights or legitimate interests in the disputed domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of Respondent. As such, where Complainant, as here, makes out a prima facie case that Respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on Complainant). If Respondent, as here, fails to come forward with such relevant evidence, Complainant is deemed to have satisfied the second element. [WIPO Overview 3.1](#), section 2.1.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

Respondent has not participated in the proceedings and thus has not provided evidence that it made a bona fide use of the disputed domain name, confusingly similar to Complainant's trademark, prior to notice of this dispute. Rather, Respondent's use of the disputed domain name to host a website designed to give the appearance of association with Complainant's business, including by reproducing Complainant's registered logo, is not bona fide use. Respondent's use of the disputed domain name cannot be regarded as fair use nor a legitimate noncommercial use. There is no evidence that Respondent has been commonly known by the disputed domain name or Complainant's trademark.

Panels have held that the use of a domain name for illegitimate or illegal activity, here impersonation, can never confer rights or legitimate interests on Respondent. [WIPO Overview 3.1](#), section 2.13.1.

The Panel determines that Complainant has established that Respondent lacks rights or legitimate interests in the disputed domain name.

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 Respondent evidently was aware of Complainant and its trademark when it registered the disputed domain name because it has prominently incorporated that trademark, including a distinctive design, on its website in connection with the presumptive sale of clothing products. The webpage screenshot of Respondent's website provided by Complainant includes sufficient structural elements, notably the incorporation of categories for "WOMEN" and "MEN", as well as a request for email sign-ups for notification regarding "new arrivals", along with Complainant's logo, to support an inference by the Panel that, as asserted by Complainant, Respondent was offering clothing products on its website under Complainant's trademark, and that Respondent registered the disputed domain name for that purpose. This is sufficient to establish bad faith registration of the disputed domain name.

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 Respondent's registration and use of the disputed domain name is in bad faith. [WIPO Overview 3.1](#), section 3.2.1.

Panels have held that the use of a domain name for illegitimate or illegal activity, here impersonation, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4.

Respondent registered and is using the disputed domain name that is confusingly similar to Complainant's trademark to direct Internet users to a website displaying Complainant's registered logo and that was presumably purporting to offer clothing products, which products are in Complainant's line of business. Internet users are likely to be confused as to Complainant acting as the source, sponsor, affiliate or endorser of Respondent's website. Respondent is diverting potential customers of Complainant to Respondent's website which may interfere with Complainant's business. This combination of factors leads the Panel to conclude that Respondent registered and used the disputed domain name in bad faith by attempting, for commercial gain, to create Internet user confusion regarding Complainant acting as the source, sponsor, affiliate or endorser of Respondent's website. Respondent has not attempted to provide a potentially legitimizing ground for its conduct. Respondent's conduct constitutes bad faith registration and use within the meaning of paragraph 4(b) of the Policy.

The Panel determines that Respondent registered and used the disputed domain name in bad faith.

The Panel finds that 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 <shopvitalitty.it.com> be transferred to Complainant.

/Frederick M. Abbott/

Frederick M. Abbott

Sole Panelist

Date: October 8, 2026