

ADMINISTRATIVE PANEL DECISION

NARDOBEL v. John Williams

Case No. D2026-3852

1. The Parties

The Complainant is NARDOBEL, France, represented by GUIU IP, France.

The Respondent is John Williams, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <modifasthealth.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 August 27, 2026. On August 28, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 30, 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 (REDACTED FOR PRIVACY, Super Privacy Service Ltd c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 31, 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 amendment to the Complaint on September 1, 2026.

The Center verified that the Complaint together with the amendment to 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 September 2, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 22, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 24, 2026.

The Center appointed Christopher J. Pibus as the sole panelist in this matter on October 1, 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 French company created in 2006 which specializes in food products and nutritional solutions for weight loss. The Complainant distributes its products in France and internationally in association with the trademark MODIFAST.

The Complainant is the owner of a portfolio of MODIFAST trademarks with registrations dating as far back as 1977, including:

- International trademark MODIFAST No. 433586 registered on November 3, 1977, last renewed in 2017 in class 5 with an expiry date on November 3, 2027, designating Austria, Benelux, Germany, Algeria, France, Hungary, Liechtenstein, Morocco, Poland, Romania, Serbia, Russian Federation, and Slovenia;
- Danish trademark MODIFAST No. VR 1980 04128 registered on October 31, 1980, and renewed in 2020 in class 5 with an expiry date on October 31, 2030;
- International trademark registration MODIFAST (figurative) No. 649553, registered on December 1, 1995, and last renewed in 2025 in class 5 with an expiry date on December 1, 2035. This trademark designates Austria, Benelux, Germany, Spain, France, Italy, Liechtenstein, Poland, and Portugal; and
- European Union Trade Mark MODIFAST No. 002150746 filed on March 26, 2001, registered on November 15, 2002, and renewed in 2021 in classes 5 and 42 with an expiry date on March 26, 2031.

The Complainant is also the owner of a portfolio of MODIFAST-formative domain names including <modifast.ch> and <modifast.nl>. The Complainant's domain name <modifast.be> was registered on December 14, 2000.

The Respondent registered the disputed domain name on May 27, 2026. It is associated with an active website purportedly offering for sale weight loss products under the MODIFAST trademark at highly discounted prices.

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 the Respondent has deliberately targeted the well-known MODIFAST trademark by creating an unauthorized website which prominently uses the MODIFAST mark in association with weight loss products, in a deliberate attempt to deceive potential customers and to interfere with the Complainant's business.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, in order to succeed, the Complainant must establish each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to the 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 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 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 MODIFAST mark is reproduced within the disputed domain name and the Panel finds the mark is 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](#), section 1.7.

Although the addition of other terms (here, the term "health") may bear on assessment of the second and third elements, the Panel finds the addition of such 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. In particular, the Panel notes that the Respondent is not commonly known by the disputed domain name, and the Respondent is not sponsored by or affiliated with the Complainant in any way, nor has the Complainant given the Respondent a license, authorization or permission to use the Complainant's trademark in any manner, including in domain names. The Complainant has also provided evidence that the Respondent has used or is using the disputed domain name to direct users to an unauthorized website claiming to offer

weight loss products, which directly targets the Complainant's business. Evidence in the form of web pages created and used by the Respondent demonstrates a deliberate intention to deceive web users into the belief that they have accessed the Complainant's website. The Respondent has failed to identify itself by way of disclaimer or otherwise on its website.

Panels have held that the use of a domain name for illegitimate activity here, claimed impersonation, copycat sites, passing off, or other types of fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

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 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 intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark, contrary to paragraph 4(b)(iv) of the Policy. Panels have held that the use of a domain name for illegitimate activity here, claimed impersonation, copycat sites, passing off, or other types of fraud constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. The Complainant has provided highly probative evidence to establish intentional targeting of the MODIFAST trademark by the Respondent. In particular, the evidence includes pages from the website operated by the Respondent in association with the disputed domain name that show flagrant use of a reproduction of the MODIFAST trademark, along with photographs displaying the Complainant's branded merchandise purportedly at steeply discounted prices. The website also includes obvious textual errors including misplaced references to apparel and fashion products. The Respondent's conduct points clearly to a conclusion that the website has been designed to deceive consumers into believing that they are accessing the Complainant's business.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under 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 <modifasthealth.shop> be transferred to the Complainant.

/Christopher J. Pibus/

Christopher J. Pibus

Sole Panelist

Date: October 15, 2026