

## **ADMINISTRATIVE PANEL DECISION**

**Bausch & Lomb Incorporated v. thebestking mu**  
**Case No. D2025-4699**

### **1. The Parties**

The Complainant is Bausch & Lomb Incorporated, United States of America (“United States”), represented by Adams and Reese, LLP, United States.

The Respondent is thebestking mu, Pakistan.

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

The disputed domain name <preservison.shop> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 12, 2025. On November 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 14, 2025, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 17, 2025, 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 November 20, 2025.

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 November 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 14, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 15, 2025.

The Center appointed Brigitte Joppich as the sole panelist in this matter on December 17, 2025. 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 an American eye health products company. The Complainant's product PRESERVISION eye vitamins is designed for patients diagnosed with moderate to advanced age-related macular degeneration and has been on the market since 2001.

The Complainant is the registered owner of several trademarks for PRESERVISION, including United States trademark registration no. 2696725, registered on March 11, 2003, which is protected for goods in class 5 (the "PRESERVISION Mark"). The Complainant and its licensees own numerous domain names incorporating the PRESERVISION Mark, including <preservision.com>.

The disputed domain name was registered on November 1, 2025, and has been used in connection with a copycat website advertising the Complainant's product "PRESERVISION AREDS 2" under the Complainant's official logo and featuring trademarks and content copied from Complainant's official website.

#### **5. Parties' Contentions**

##### **A. Complainant**

With regard to the three elements specified in the Policy, paragraph 4(a), the Complainant contends that each of the three conditions is met in the present case.

(i) The disputed domain name is identical or confusingly similar with the PRESERVISION Mark. The Complainant argues that the disputed domain name incorporates the word "preservision," which is a close typo variant of the PRESERVISION Mark, and that the slight misspelling of the PRESERVISION Mark in the disputed domain name is insufficient to distinguish the latter from the former.

(ii) The Complainant states that the Respondent has no rights or legitimate interests in the disputed domain name. It contends that "preservision" is not the Respondent's name, that the Respondent is not, and has never been, commonly known as "preservision," that the Respondent is not, and has never been, a licensee of the Complainant, and that the Respondent has never been authorized by the Complainant to register or use the PRESERVISION Mark or to apply for or use any domain name incorporating such mark. The Complainant further contends that the Respondent's use of the disputed domain name in connection with a copycat website using the Complainant's trademark and copyrighted content to pass itself off as the official PRESERVISION website is not a use in connection with a bona fide offering of goods or services, or in a legitimate noncommercial or fair manner.

(iii) Finally, the Complainant contends that the Respondent registered and is using the disputed domain name in bad faith. It states that it has invested considerable funds in promoting the PRESERVISION brand since its launch in 2001, and that the PRESERVISION Mark has become famous and well-known as an identifier for the Complainant's products. It also argue that it is implausible that the Respondent could have been unaware of the Complainant and the PRESERVISION Mark at the time of registration of the disputed domain name, and that the Respondent's knowledge of the Complainant is further confirmed by the content of the Respondent's website, which advertised the Complainant's PRESERVISION branded eye vitamins and featured images copied from the Complainant's official website. With regard to bad faith use, the Complainant contends that, by using the disputed domain name in connection with a copycat website, the Respondent has passed itself off as the Complainant in order to collect its customers' financial information,

which constitutes paradigmatic bad faith registration and use with a view to financial gain as envisioned by the Policy, paragraph 4(b)(iv).

## **B. Respondent**

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

## **6. Discussion and Findings**

Under the Policy, paragraph 4(a), the Complainant must prove that each of the following three elements is present:

- (i) the disputed domain name is identical or confusingly similar to the Complainant's trademark; and
- (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 Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

The disputed domain name incorporates the Complainant's well-established PRESERVISION Mark by merely omitting the second letter "i". This is a clear case of typo squatting and the PRESERVISION Mark is clearly recognizable within the disputed domain name. Therefore, it is confusingly similar to the PRESERVISION Mark under the Policy.

The Panel finds that the Complainant satisfied the requirements of the Policy, paragraph 4(a)(i).

### **B. Rights or Legitimate Interests**

Even though the Policy requires the complainant to prove that the respondent has no rights or legitimate interests in the disputed domain name, it is the consensus view among UDRP panels that a complainant has to make only a prima facie case to fulfill the requirements of the Policy, paragraph 4(a)(ii). As a result, once a prima facie case is made, the burden of coming forward with evidence of the respondent's rights or legitimate interests in the disputed domain name will then shift to the respondent.

The Complainant has substantiated that the Respondent has no rights or legitimate interests in the disputed domain name. The Panel finds that the Complainant has made a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name and that the burden of production has been shifted to the Respondent.

The Respondent did not deny these assertions in any way and therefore failed to come forward with any allegations or evidence demonstrating any rights or legitimate interests in the disputed domain name.

Based on the evidence before it, the Panel cannot find any rights or legitimate interests of the Respondent either. In particular, the Respondent's use of the disputed domain name to redirect Internet users to a website which is an exact copy of Complainant's actual website is not a bona fide use under the Policy.

Accordingly, the Panel finds that the Complainant has established that the Respondent has no rights or legitimate interests in respect of the disputed domain name under the Policy, paragraphs 4(a)(ii) and 4(c).

### **C. Registered and Used in Bad Faith**

The Panel is satisfied that the Respondent registered and is using the disputed domain name in bad faith.

Firstly, the Panel is satisfied that the Respondent registered the disputed domain name with full knowledge of the Complainant and its rights in the PRESERVISION Mark, given that the Respondent used the disputed domain name in connection with a website that is a copy of the Complainant's website, containing all elements of the Complainant's branding, including the stylized PRESERVISION Mark.

Secondly, as to bad faith use, by incorporating the PRESERVISION Mark into the disputed domain name with only a slight typo and by using such disputed domain name in connection with a copy of the Complainant's website, the Respondent was, in all likelihood, trying to divert traffic intended for the Complainant's website to its own for commercial gain as set out under the Policy, paragraph 4(b)(iv). The Panel is therefore satisfied that the Respondent also used the disputed domain name in bad faith.

Consequently, the Panel finds that the Respondent registered and used the disputed domain name in bad faith and that the Complainant satisfied the requirements of the Policy, paragraph 4(a)(iii).

### **7. Decision**

For the foregoing reasons, in accordance with the Policy, paragraph 4(i), and the Rules, paragraph 15, the Panel orders that the disputed domain name <preservison.shop> be transferred to the Complainant.

*/Brigitte Joppich/*

**Brigitte Joppich**

Sole Panelist

Date: December 23, 2025