

ADMINISTRATIVE PANEL DECISION

Reckitt Health Pain (US) LLC v. Kartal Oglu
Case No. D2025-5196

1. The Parties

The Complainant is Reckitt Health Pain (US) LLC, United States of America (“United States”), represented by Gün & Partners, Türkiye.

The Respondent is Kartal Oglu, Türkiye.

2. The Domain Name and Registrar

The disputed domain name <biofreezeultra.com> (the “Disputed Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 12, 2025. On December 15, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On December 15, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 22, 2025, providing the registrant and contact information disclosed by the Registrar, and requesting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on December 26, 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 January 8, 2026. In accordance with the Rules, paragraph 5, the due date for Response was January 28, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 4, 2026.

The Center appointed Marilena Comanescu as the sole panelist in this matter on February 12, 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.

On February 16, 2026, an Administrative Panel Order was issued requesting the Complainant to amend the remedy section of the Complaint to reflect the correct domain name and to confirm the requested remedy. The Respondent was also invited to submit any comment on the Complainant's submissions. The Complainant submitted its response to the Administrative Panel Order on February 18, 2026. The Respondent did not respond.

4. Factual Background

The Complainant is an affiliate of RECKITT, which is a multinational consumer goods company, active in the healthcare, hygiene, home care and cleaning products sector. One of the Complainant's most important trademarks is BIOFREEZE, which is used in connection with a menthol-based topical analgesic product used to relieve back pain, sprains and muscle/joint pain through the cold therapy method.

The Complainant owns trademark rights for BIOFREEZE worldwide, such as the following:

- the United States trademark registration number 1774041 for BIOFREEZE (word), filed on September 24, 1992, registered on June 1, 1993, covering goods in International class 5;
- the Turkish trademark registration number 2002 14523 for BIOFREEZE (stylized), filed on June 12, 2002, registered on December 11, 2003, covering goods in International class 5; and
- the European Union Trademark registration number 000010660 for BIOFREEZE (word), filed on April 1, 1996, registered on September 28, 1998, covering goods in International class 5.

The Disputed Domain Name was registered on November 25, 2024, and, at the time of filing the Complaint, it resolved to an error page (following a cease-and-desist letter sent by the Complainant).

According to evidence to the Complaint, the Disputed Domain Name was used in connection with a website purporting to offer for sale discounted BIOFREEZE products, using the Complainant's trademark and visuals, and without providing a contact information for the Disputed Domain Name operator or any disclaimer. The website was in Turkish language.

The Complainant's BIOFREEZE products are not yet licensed in Türkiye.

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 the following:

- BIOFREEZE trademark is registered and extensively used for many years in numerous jurisdictions worldwide, achieving worldwide recognition in the field of topical analgesic products for muscle and joint pain;
- the Disputed Domain Name is confusingly similar to the BIOFREEZE trademark, as it fully incorporates it with the addition of the descriptive term "ultra";

- the Respondent has no rights or legitimate interests in the Disputed Domain Name mainly because: (i) there is no legal, commercial or corporate relationship between the Complainant and the Respondent, the Complainant has never granted the Respondent any license, authorization, or permission to use the BIOFREEZE trademark or any term that evokes the trademark; (ii) the Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Name, to the contrary, the Disputed Domain Name was used to resolve to a website that sells identical products to those offered by the Complainant under its BIOFREEZE trademark, uses very similar product packaging, colour schemes, visuals to those of the Complainant's products; (iii) upon a test purchase of the product promoted under the Disputed Domain Name, the Complainant noted that such products are counterfeits/imitations being clearly inconsistent with the original products in terms of packaging and content. Such claim is also supported by the negative consumer reviews posted on the website at the Disputed Domain Name; (iv) the Complainant's BIOFREEZE products are not yet licensed in Türkiye, and the unauthorized sale of these products online is prohibited under the relevant Turkish law. An unlawful activity cannot constitute a "legitimate interest." Furthermore, beyond the fact that the products are counterfeit, they also pose a public health risk; and

- the Respondent registered and is using the Disputed Domain Name in bad faith mainly because: (i) the BIOFREEZE trademark achieved worldwide recognition in the field of topical analgesic products for muscle and joint pain many years before the registration of the Disputed Domain Name by the Respondent, and the Respondent's use of the "biofreeze" term in selecting the Disputed Domain Name cannot be explained as a mere coincidence; (ii) the use of the Disputed Domain Name in relation to selling counterfeits, clearly demonstrates bad faith use and an intent to mislead consumers, as it exploits consumer trust by presenting the products as genuine. Such use constitutes a clear infringement intended to unfairly benefit from the reputation of the BIOFREEZE trademark, mislead consumers, create confusion regarding the origin and association of the products and exploit the trademark's reputation; (iii) the Complainant's BIOFREEZE products are not yet licensed in Türkiye and the sale of such products online by unauthorized entities is explicitly prohibited by law. Despite being aware of this unlawful situation, the Respondent presents the products in a manner that creates the impression of being original/authorized further reinforcing the presence of bad faith; (iv) the Respondent appears to have used fictitious name in the Whols, as "Kartal Oglu" literally means "child of the eagle" as also can be understood from the email address; furthermore, the postal and email address information appears to be unreliable as well. The deliberate concealment of identity constitutes a strong indicator of bad faith registration and use under the UDRP.

B. Respondent

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

6. Discussion and Findings

Under the Policy, the Complainant is required to prove on the balance of probabilities that:

- (i) the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in 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 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.

While the addition of other term, here, “ultra”, 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 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 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.

According to the evidence, the Respondent has used the Disputed Domain Name in connection with a website promoting and offering for sale goods identical to those of the Complainant with significant price reductions, without complying with the relevant regulations (such a license to put the product on the Turkish market and taking account of the jurisdictions where the product is legally approved for distribution), displaying the Complainant’s trademark, similar product packaging, colour schemes, visuals, without providing any accurate or prominent disclaimer. Panels have held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, impersonation/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 Panel further notes that the Disputed Domain Name, reproducing the Complainant’s mark BIOFREEZE with an additional dictionary term generally used in the Complainant’s industry (i.e. “ultra”), carry a high risk of implied affiliation with the Complainant. Therefore, such composition cannot constitute fair use. [WIPO Overview 3.1](#), section 2.5.1.

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 Disputed Domain Name was registered in bad faith, with knowledge of the Complainant and its trademark particularly because it incorporates the Complainant’s

BIOFREEZE trademark registered since 1993, with a dictionary term. Furthermore, the use of the Disputed Domain Name corroborates this judgement.

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.

Paragraph 4(b)(iv) of the Policy provides that the use of a domain name to intentionally attempt "to attract, for commercial gain, Internet users to [the respondent's] website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the respondent's] website or location or of a product or service on [the respondent's] website or location" is evidence of registration and use in bad faith.

Given that the Disputed Domain Name incorporates the Complainant's trademark and the website operated under the Disputed Domain Name displays the Complainant's trademark, similar product packaging, colour schemes, visuals, providing very likely counterfeit versions of the Complainant's products, indeed in this Panel's view, the Respondent intended to attract Internet users accessing the website corresponding to the Disputed Domain Name who may be confused and believe that the website is held, controlled by, or somehow affiliated or related to the Complainant, for its commercial gain. This activity may also disrupt the Complainant's business, tarnish its trademark, and may put the safety of patients at risk.

At the time of filing of the Complaint, the Disputed Domain Name resolved to an error page. UDRP panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. The Panel notes the distinctiveness and international reputation of the Complainant's trademark; the composition of the Disputed Domain Name; the Respondent's failure to provide a response in these proceedings; the Respondent's concealment of its contact details in the WhoIs, as per the Complainant's arguments (uncontested by the Respondent), 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. [WIPO Overview 3.1](#), section 3.3.

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, <biofreezeultra.com>, be transferred to the Complainant.

/Marilena Comanescu/

Marilena Comanescu

Sole Panelist

Date: February 25, 2026