

## **ADMINISTRATIVE PANEL DECISION**

Overnight Blowout LLC v. Host Master, Transure Enterprise Ltd  
Case No. D2025-1209

### **1. The Parties**

The Complainant is Overnight Blowout LLC, United States of America ("United States"), represented by ESCA Legal, United States.

The Respondent is Host Master, Transure Enterprise Ltd, United States.

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

The disputed domain name <overnightblowout.com> is registered with Above.com Pty Ltd. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 24, 2025. On March 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 4, 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") and contact information in the Complaint. The Center sent an email communication to the Complainant on April 7, 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 April 9, 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 April 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 4, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 5, 2025.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on May 8, 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.

On May 15, 2025, the Panel issued Administrative Panel Order Number One, directing the Parties' attention to [WIPO Overview 3.0](#) section 3.8 and inviting the Parties to comment and provide evidence on the issues raised by the fact that the disputed domain name was created before the Complainant's trademark registrations and before the date on which the Complainant claimed first use of its mark in its United States trademark registration applications. The Complainant submitted a reply by email on May 19, 2025, attaching a Declaration of Yesenia Hipolito (the "Hipolito Declaration"), along with a time-stamped screenshot and link to a TikTok video released by Mr. Hipolito on October 7, 2022, announcing her Overnight Blowout product. The Respondent did not reply to the Administrative Panel Order.

#### 4. Factual Background

The Complainant is a hair accessory and beauty company based in Clovis, California, United States, founded by social media influencer and content creator Yesenia Hipolito. The Complainant was established as a limited liability company under the laws of the state of California, United States on June 9, 2023, according to the online database of the California Secretary of State, listing Ms. Hipolito as a manager or member.<sup>1</sup> The Complainant advertises its patented OVERNIGHT BLOWOUT Rods and other hair styling and beauty products on social media - a TikTok account "@overnightblowout" with 2.5 million likes and over 109,000 followers, an Instagram account "@overnightblowout" with more than 120,000 followers, a Facebook "Overnight Blowout" page -- all linked to an ecommerce website at "www.theovernightblowout.com" (a domain name registered on March 13, 2023).

The Complainant claims rights in the following trademark registrations:

Mark	Owner	Jurisdiction	Registration Number	Registration Date	Goods or Services
OVERNIGHT BLOWOUT (word)	Yesenia Hipolito, Michael Rodriguez (Complainant's Members / Managers)	Mexico	2639020	December 11, 2023	International Class 26
OVERNIGHT BLOWOUT (word)	Overnight Blowout LLC	European Union	019057894	November 30, 2024	International Class 26
OVERNIGHT BLOWOUT (word)	Overnight Blowout LLC	China	79935078	February 7, 2025	International Class 26

The Panel notes that the Complainant filed an application with the United States Patent and Trademark Office ("USPTO") on February 9, 2023, Serial Number 97788971, to register OVERNIGHT BLOWOUT as a word mark. The "Filing Basis" in the application is stated as "Section 1(b)", indicating that the mark was not yet in use at the time of the filing. In a Nonfinal Office Action dated November 8, 2023, the USPTO refused the application on the ground that the mark was merely descriptive and advised filing an amendment to allege use and apply for registration on the Supplemental Register (with the possibility that the mark could establish distinctiveness over time). The Complainant subsequently made such amendments and alleged first use in commerce on August 17, 2023. The Panel notes that this date is nearly eight months after the

<sup>1</sup>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 Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 4.8.

registration of the disputed domain name, hence Panel Administrative Order Number One asking the Parties for relevant evidence concerning this issue.

The Complainant's reply to the Panel order attaches the Hipolito Declaration and a time-stamped screenshot showing that Yesenia Hipolito first launched her OVERNIGHT BLOWOUT rods on her TikTok account on October 7, 2022. The Complainant demonstrates that this video and succeeding videos labelled "Overnight Blowout" demonstrating how to use the product and offering testimonials to its success have attracted over 42 million views to date and favorable media commentary online and in fashion magazines. While the Complainant originally filed its United States trademark application on an "intent to use" basis, the Complainant's August 15, 2024, amendment to the application cited this initial TikTok post to allege first commercial use of OVERNIGHT BLOWOUT on October 7, 2022, in International Class 44 (providing information in the field of hair styling).

The disputed domain name was created on November 30, 2022, and registered to the Respondent Host Master, Transure Enterprise Ltd, listing a postal address in Wilmington, Delaware, United States and a contact email address in the domain name <transurent.com>. That domain name is not associated with an active website.

The disputed domain name resolves to different landing pages on different visits. The Complainant reports that at one time it redirected to "www.itomaosa.co", producing a security alert. The Complainant captured a screenshot on another occasion when the disputed domain name resolved to a page imitating the Capital One financial services website. On yet another occasion, the disputed domain name redirected to a website that froze the computer. The Complaint also attaches a screenshot similar to the version of the website found by the Panel at the time of the Decision: a "Security Alert" error message purportedly generated by McAfee, an online security services provider, encouraging the Internet user to click on a link, ostensibly to perform an antivirus scan and then purchase McAfee antivirus software.

## **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 disputed domain name is identical or confusingly similar to its registered OVERNIGHT BLOWOUT mark. The Complainant asserts that the Respondent has not used the disputed domain name for any bona fide legitimate business purpose but only for "fraudulent behavior", redirecting the disputed domain name to "scam websites or potentially distributing malware". In response to the Panel's Administrative Order, the Complainant demonstrates that the disputed domain name was registered a few weeks after the Complainant's first TikTok video appeared online promoting the OVERNIGHT BLOWOUT rods, inferring that the Respondent registered the disputed domain name opportunistically in anticipation of the Complainant's trademark use of OVERNIGHT BLOWOUT. The Complainant argues that the redirection of the disputed domain name to imitative websites with possible malware must be considered bad faith use.

The Complainant also cites a pattern of such bad-faith domain name registration and use, demonstrating that this Respondent has been the respondent in at least 249 UDRP proceedings, some of them similarly involving not only trademark abuse but other illicit activities such as phishing and software downloads with suspected malware. See, e.g., *Eurovia v. Above-privacy / Host Master, Transure Enterprise Ltd*, WIPO Case No. [D2022-1417](#); *TBNR, LLC. v. Host Master, Transure Enterprise Ltd*, WIPO Case No. [D2020-1158](#); *Berlitz Investment Corporation v. Host Master, Transure Enterprise Ltd*, WIPO Case No. [D2020-1565](#); and *Halliburton Energy Services, Inc., v. Host Master, Transure Enterprise Ltd*, WIPO Case No. [D2020-1269](#).

## **B. Respondent**

The Respondent did not reply to the Complainant's contentions nor to the Administrative Panel Order.

## **6. Discussion and Findings**

### **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 Complainant has shown rights in respect of a trademark or service mark, the registered OVERNIGHT BLOWOUT mark, for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), 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 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 3.0](#), 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. There is no evidence that the Respondent is known by a corresponding name, and the disputed domain name has been used to redirect to a variety of imitative and suspicious websites consistent with the Respondent's pattern of using domain names incorporating the trademarks of others for phishing and malware schemes. This does not indicate that the Respondent has used the disputed domain name in connection with the bona fide offering of goods or services within the meaning of the Policy, paragraph 4(c)(ii).

Panels have held that the use of a domain name for illegitimate or illegal activity, here claimed to entail impersonation, phishing, and distributing malware, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 created before the Complainant launched its website or obtained trademark registrations, but shortly after the Complainant announced and began promoting its Overnight Blowout rods on its widely followed TikTok account. Given the timing, the composition of the disputed domain name, and the Complainant's fast-acquired notoriety online, as well as the Respondent's pattern of bad-faith registration and use of domain names incorporating third party trademarks, and failure to respond in this proceeding, the Panel finds it probable that the Respondent registered and used the disputed domain name in anticipation of the Complainant's mark.

[WIPO Overview 3.0](#) section 3.8.2. Therefore, these circumstances accord with the Policy's example of bad faith in paragraph 4(b)(iv), intentionally attempting to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's mark.

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 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for illegitimate or illegal activity, here claimed to include impersonation, phishing, and distributing malware, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes 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 <overnightblowout.com> be transferred to the Complainant.

*/W. Scott Blackmer/*

**W. Scott Blackmer**

Sole Panelist

Date: May 30, 2025