

ADMINISTRATIVE PANEL DECISION

Byoma Limited v. KathleenCarter, BergeronRichard
Case No. D2025-2017

1. The Parties

The Complainant is Byoma Limited, United Kingdom, represented by SafeNames Ltd., United Kingdom.

The First Respondent is KathleenCarter, United States of America ("United States").

The Second Respondent is BergeronRichard, United States.

2. The Domain Names and Registrar

The disputed domain names <byomabeautyhub.shop>, <byomabeauty.shop>, and <byomahub.shop> are registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 21, 2025. On May 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On May 22, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 22, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on May 27, 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 May 28, 2025. In accordance with the Rules, paragraph 5,

the due date for Response was June 17, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 18, 2025.

The Center appointed Jeremy Speres as the sole panelist in this matter on June 24, 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, founded in 2020, produces skincare products under its BYOMA mark.

The Complainant's BYOMA mark is registered in various jurisdictions, including United States Trademark Registration No. 6690108 BYOMA in classes 3, and 35, having a registration date of April 5, 2022.

The Complainant's primary website is hosted at its domain name <byoma.com>.

The disputed domain names were registered on the dates set out below:

- <byomabeauty.shop>, registered on July 30, 2024;
- <byomabeautyhub.shop>, registered on July 31, 2024; and
- <byomahub.shop>, registered on August 14, 2024.

The Complainant's evidence establishes that the disputed domain names have all been used in the past for websites prominently entitled "BYOMA" (in the case of <byomabeauty.shop> and <byomahub.shop>) or "Byoma Beauty Hub" (in the case of <byomabeautyhub.shop>). These websites ostensibly offered the Complainant's skincare products for sale, using imagery taken from the Complainant's own website, at significantly discounted prices. Currently, the disputed domain names do not resolve to any websites, after the Complainant reported them for phishing and they were suspended by the Registrar.

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 names.

Notably, the Complainant contends that the disputed domain names have all been registered and used in bad faith in order to impersonate the Complainant for the Respondents' commercial gain.

B. Respondent

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

6. Discussion and Findings

A. Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

As regards common control, the Panel notes the similarities in the websites at each of the disputed domain names, the similar composition of the disputed domain names, the use of the same website template for the websites at all of the disputed domain names, which purport to sell the Complainant's products, the registration dates of the disputed domain names all within a short period between July 30 and August 14, 2024, the registration of the disputed domain names at the same Top-Level Domain ("TLD") using the same Registrar, and the same omission of spaces between the registrant names for the disputed domain names. Furthermore, the Panel notes that complaints involving different domain names have been consolidated against the same Respondents in the past. See *Colgate-Palmolive Company, The Murphy-Phoenix Company, Hill's Pet Nutrition, Inc. v. DODSONCLAYTON, KathleenCarter, BergeronRichard, du yan*, WIPO Case No. [D2024-3853](#). The Panel therefore considers that it is more likely than not that the disputed domain names are under common control.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party, especially given that the Respondents have not incurred the costs of responding.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

B. 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 3.0](#), section 1.7.

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

The entirety of the Complainant's registered BYOMA mark is reproduced within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here "beauty", "beautyhub", and "hub", may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

C. 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.

As discussed further in relation to bad faith below, the general impression created by the websites to which the disputed domain names previously resolved is one of impersonation of the Complainant. UDRP panels have categorically held that the use of a domain name for illegal activity, here impersonation, 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.

D. 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. For the reasons discussed below, the Panel finds that paragraph 4(b)(iv) of the Policy is eminently applicable to this case.

The Complainant’s evidence establishes that its mark is well known in the skincare industry. Panels have consistently found that the mere registration of a domain name that is confusingly similar to a widely known trademark, as in this case, by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

Panels have held that the use of a domain name for illegal activity, here impersonation, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Considering the indicators of impersonation apparent on the Respondent’s websites highlighted in the Factual Background section above, as well as the other indicators discussed below, it is clear that the Respondent intended to impersonate the Complainant.

The composition of the disputed domain names, consisting of the Complainant’s well-known and inherently unique mark plus terms that are relevant to the Complainant’s business, in and of itself suggests that the disputed domain names relate to an official presence of the Complainant. This, too, points to an intention to impersonate the Complainant.

The Respondent has been found in contravention of the Policy in prior UDRP cases, including *Marucci Sports, LLC v. Bergeron Richard*, WIPO Case No. [D2025-0104](#); *Obagi Holdings Company Limited v. Bergeron Richard*, WIPO Case No. [D2024-4261](#); and *Dansko, LLC v. Bergeron Richard*, WIPO Case No. [D2024-3667](#). The same *modus operandi* involving impersonating a brand’s official online store was apparent in those cases. The Respondent is a serial cybersquatter and this case appears to be a continuation of that pattern.

The Panel draws an adverse inference from the Respondent’s failure to take part in the present proceeding where an explanation is certainly called for. [WIPO Overview 3.0](#), section 4.3.

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 names <byomabeautyhub.shop>, <byomabeauty.shop>, and <byomahub.shop> be transferred to the Complainant.

/Jeremy Speres/

Jeremy Speres

Sole Panelist

Date: June 27, 2025