

## **ADMINISTRATIVE PANEL DECISION**

Byoma Limited v. Anne Mary, Mary Anne, Bertie Edith, Edith Bertie, Stilwell  
Rosalind, Rosalind Stilwell  
Case No. D2025-3325

### **1. The Parties**

The Complainant is Byoma Limited, United Kingdom (“UK”), represented by SafeNames Ltd., UK.

The Respondents are Anne Mary, Mary Anne, Germany, Bertie Edith, Edith Bertie, Germany, and Stilwell Rosalind, Rosalind Stilwell, Germany.

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

The disputed domain names <byomacanada.com>, <byomaschweiz.com>, and <byomauk.com> (the “Disputed Domain Names”) are registered with CNOBIN Information Technology Limited (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 19, 2025. On August 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Names. On August 26, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint.

The Center sent an email communication to the Complainant on August 26, 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 August 29, 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 Respondents of the Complaint, and the proceedings commenced on September 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 22, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on September 30, 2025.

The Center appointed Mariia Koval as the sole panelist in this matter on October 3, 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 in Scotland, UK, is a skincare brand, one of many skincare brands under the parent company Future Beauty Labs. The Complainant has expanded globally since its creation: the Complainant's products under the BYOMA trademark (the "BYOMA Trademark") are available to purchase through the Complainant's official website at "www.byoma.com", and are shipped internationally, across the UK and the United States of America ("US"). The Complainant has also developed a strong distribution network where its BYOMA products are available across numerous retailers globally, in particular in stores and online at well-known beauty retailers, including but not limited to Sephora and Space NK in the UK and across the European Union. The Complainant's products are also available online and in-store at retailers targeting the US and Canadian markets, such as Ulta and Target and in Sephora and Ubuy for consumers in Switzerland. The Complainant's BYOMA Trademark has received significant recognition in the skincare industry (Annexes 6 and 7 to the Complaint).

The Complainant is the owner of a number of BYOMA Trademark registrations throughout the world, among which are:

- European Union Trade Mark No. 018443892, registered on October 14, 2021, in respect of goods and services in classes 3 and 35;
- International Trademark Registration No. 1633315, registered on November 2, 2021, in respect of goods in class 3; and
- European Union Trademark Registration No. 018722696, registered on October 21, 2022, in respect of goods in class 3.

The Complainant operates the domain name <byoma.com> reflecting its BYOMA Trademark. On the Complainant's official website the consumers can utilize the Complainant's AI Skin Analysis Tool to find the correct product for their skin type, and educate themselves in the "Biology Class" section. The Complainant has also made substantial investments to develop a strong presence online by being active on various social media platforms, including Facebook, Instagram, TikTok, and LinkedIn.

The Disputed Domain Names were registered on July 17, 2025. As at the dates of filing the Complaint and this Decision, the Disputed Domain Names resolve to inactive websites. However, according to the evidence presented by the Complainant (Annex 10 to the Complaint), the Disputed Domain Names previously resolved to websites operating online stores that prominently displayed the Complainant's Trademark, and imitated the design and layout of the Complainant's website, using copyrighted images and purportedly offering the Complainant's products at seemingly discounted prices. These websites also prompted Internet users to submit sensitive personal information during the checkout process.

## 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 are confusingly similar to the Complainant's BYOMA Trademark since all the Disputed Domain Names reproduce the Complainant's BYOMA Trademark in its entirety with the addition of the geographical term "canada" to the Disputed Domain Name <byomacanada.com>, geographical term "schweiz" (Switzerland in German) - to the Disputed Domain Name <byomaschweiz.com> and geographical term "uk" (abbreviation of the United Kingdom) – to the Disputed Domain Name <byomauk.com>. The geographical additions in the Disputed Domain Names do not negate the finding of confusing similarity with the BYOMA Trademark. On the contrary, it only reinforces the connection with the Complainant due to its establishment and operation in those countries.

The Complainant further claims that the Respondents have no rights or legitimate interests in respect of the Disputed Domain Names in view of the following:

- the Respondents do not have any (registered or unregistered) trademark rights to the term "byoma";
- the Respondents have not received any license from the Complainant to use the Disputed Domain Names featuring the BYOMA Trademark;
- the Respondents have not used, nor prepared to use, the Disputed Domain Names in connection with a bona fide offering of goods or services. The Respondents used the Disputed Domain Names to display online stores impersonating the Complainant, featuring the Complainant's BYOMA Trademark and logo;
- the Respondents, by copying the look and feel of the Complainant's official website through the use of copyrighted images, purported to sell the Complainant's products at discounted prices; through these online shops, Internet users were requested to enter sensitive information upon checkout;
- the Complainant affirms that no authority has been given to the Respondents to use BYOMA Trademark or to advertise the sale of BYOMA products. There is no disclaimer clarifying the lack of affiliation with the Complainant;
- it is clear that the Respondents intended to cause confusion in the minds of online users, who would likely believe those Disputed Domain Names to be official websites of the Complainant, due to the use of the distinctive BYOMA Trademark;
- to the best of the Complainant's knowledge, the Respondents are not commonly known by the BYOMA Trademark, nor are they offering any genuine goods or services under the BYOMA Trademark.

The Complainant further contends that the Respondents registered and are using the Disputed Domain Names in bad faith based on the following:

- the Complainant's BYOMA Trademark registrations predate the creation date of the Disputed Domain Names by four years;
- taking into consideration the previous use of the Disputed Domain Names and the inclusion of the BYOMA Trademark in its entirety with the geographical locations where the Complainant operates, it is implausible that the Respondents were unaware of the Complainant's BYOMA Trademark and its offerings when registering the Disputed Domain Names;
- the Respondents have intentionally attempted to attract, for commercial gain, online users by creating a likelihood of confusion with the Complainant's BYOMA Trademark and offerings; the use of the Disputed Domain Names to host online stores under the BYOMA Trademark, and featuring the Complainant's products, gives Internet users a false impression that the sites are controlled or authorised by the Complainant;
- the Respondents previously used the Disputed Domain Names for the websites where sensitive information from Internet users when purchasing the products under the BYOMA Trademark was

- requested; those users would have entered personal information into the websites, given their belief that they were interacting with the Complainant;
- the Respondents failed to present a clear disclaimer on the websites associated with the Disputed Domain Names to disassociate the Complainant's services from the services purportedly offered on the Disputed Domain Names. This in itself creates a likelihood of confusion with the Complainant as to the sponsorship, affiliation, or endorsement of the websites and products offered when there is no such connection;
  - the Disputed Domain Names do not currently resolve to active webpages, following the phishing abuse complaints submitted by the Complainant's representatives.

## **B. Respondents**

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

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, a complainant to succeed must satisfy the panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which 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 was registered and is being used in bad faith.

### **6.1 Preliminary Issue**

#### **A. Consolidation: Multiple Respondents**

The amended Complaint was filed in relation to nominally different Disputed Domain Names' registrants. The Complainant alleges that the Disputed Domain Names' 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 Names registrants pursuant to paragraph 10(e) of the Rules. The Complainant alleges that the Respondents' information for the Disputed Domain Names, disclosed by the Registrar, shows the same email address used and postal address, with the only variation being the apartment number. In addition, all the Disputed Domain Names previously resolved to fake shop websites, whereby the Respondents purported to sell BYOMA products at discounted prices. The Disputed Domain Names also utilised the same website layout and BYOMA product images. Moreover, the Disputed Domain Names were all registered on the same day, July 17, 2025, and with the same Registrar.

Paragraphs 10(e) and 3(c) of the Rules provide, respectively:

"A Panel shall decide a request by a Party to consolidate multiple domain name disputes in accordance with the Policy and these Rules."

"The complaint may relate to more than one domain name, provided that the domain names are registered by the same domain-name holder."

This case concerns the Complaint against three Respondents. The Complainant requests that the disputes involving the Disputed Domain Names against the three Respondents be consolidated. The preliminary issue is therefore whether the Complainant is entitled to bring a consolidated Complaint against the three Respondents, or whether it is necessary for the Complainant to bring individual complaints.

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 following. All three Disputed Domain Names have been registered with the same Registrar; in addition, the Respondents have the same email address, and the Respondents’ locations are almost identical. All three Disputed Domain Names incorporate the Complainant’s BYOMA Trademark. All of the Disputed Domain Names previously resolved to similar webpages with identical product offerings and login/checkout forms. The Panel thus concludes that on the balance of probabilities the Disputed Domain Names are under common control. None of the Respondents reacted to the Complainant’s request for consolidation.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different Disputed Domain Names registrants (referred to below as “the Respondent”), also in view of the fact that it is equitable and procedurally efficient to allow consolidation, in a single proceeding.

## **6.2 Substantive Issues**

### **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 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 Disputed Domain Names completely reproduce the Complainant’s BYOMA Trademark in combination with the geographical terms “canada”, “schweiz” (“Switzerland” in German) and “uk” (abbreviation of the United Kingdom), and the generic Top-Level Domain (“gTLD”) “.com”. According to [WIPO Overview 3.0](#), section 1.8, where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. Here, the addition of the terms “canada”, “schweiz” and “uk” to the BYOMA Trademark does not prevent a finding of confusing similarity.

Also, in accordance with [WIPO Overview 3.0](#), section 1.11.1, the applicable gTLD in a domain name (such as, “.com”, “.club”, “.nyc”) is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.

Pursuant to [WIPO Overview 3.0](#), section 1.7, in cases where a domain name incorporates the entirety of a trademark, the domain name will normally be considered identical or confusingly similar to that mark for purposes of UDRP standing.

Accordingly, the Panel finds that the Disputed Domain Names are confusingly similar to the Complainant’s BYOMA Trademark pursuant to paragraph 4(a)(i) of the Policy.

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 Names. 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 Names such as those enumerated in the Policy or otherwise.

There is no evidence that the Complainant has licensed or otherwise permitted the Respondent to use its BYOMA Trademark or to register the Disputed Domain Names which are confusingly similar to the BYOMA Trademark. There is also no evidence that the Respondent is commonly known by the Disputed Domain Names.

Also, in accordance with [WIPO Overview 3.0](#), section 2.5.1, even where a domain name consists of a trademark plus an additional term, UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. The composition of the Disputed Domain Names – reproducing the entirety of the BYOMA Trademark, along with the geographical term “canada”, “schweiz” and “uk”, names of the countries where the Complainant operates – carries a risk of implied affiliation with the Complainant. The Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Names without intent for commercial gain to misleadingly divert consumers or to tarnish the BYOMA Trademark of the Complainant. All of the Disputed Domain Names previously resolved to websites where the Complainant's products were offered for sale at discounted prices. The websites displayed the Complainant's BYOMA Trademark and logo, as well as copyrighted images, to impersonate the Complainant and deceive consumers into divulging login credentials or other personal information, thereby benefiting the Respondent financially or otherwise allegedly in an attempt of a potential fraudulent scheme. Panels have categorically held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. Therefore, the Panel cannot consider such use of the Disputed Domain Names as bona fide offering of goods or services, or a legitimate noncommercial or fair use.

The Panel finds that the Respondent's websites did not provide any clear or prominent disclaimer indicating that they were (un)affiliated with the Complainant, thereby failing to accurately disclose the absence of any official relationship. According to the [WIPO Overview 3.0](#), section 2.8.1, UDRP panels have recognized that resellers, distributors, or service providers using a domain name containing the complainant's trademark to undertake sales or repairs related to the complainant's goods or services may be making a bona fide offering of goods and services and thus have a legitimate interest in such domain name. Outlined in *Ok! Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) (“Ok! Data test”), the following cumulative requirements will be applied to the specific conditions of a UDRP case:

- (i) the respondent must actually be offering the goods or services at issue;
- (ii) the respondent must use the site to sell only the trademarked goods or services;
- (iii) the site must accurately and prominently disclose the registrant's relationship with the trademark holder; and
- (iv) the respondent must not try to “corner the market” in domain names that reflect the trademark.

As is seen from the circumstances of this case, none of the websites under the Disputed Domain Names disclosed any relationship between the Complainant and the Respondent and the whole design of the

Respondent's websites created a false impression that these websites are ones of the Complainant's official websites or related to the Complainant. Thus, the Respondent did not satisfy the conditions of the Oki Data test.

With respect to the circumstances of this case, the Panel considers that it is obvious that the Respondent registered the Disputed Domain Names with good awareness of the Complainant and with the sole intention of commercial gain by creating a likelihood of confusion with the Complainant's BYOMA Trademark.

The Respondent did not file any response to the Complaint and did not participate in this proceeding, as such, the Respondent did not present any evidence for supporting any rights or legitimate interests in the Disputed Domain Names.

In view of the foregoing, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Names and that the Complainant succeeds under the second element of paragraph 4(a) of the Policy.

### **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 Respondent has registered and is using the Disputed Domain Names in bad faith in view of the following.

The Complainant obtained the registration of the BYOMA Trademark more than 4 years earlier than the Respondent registered the Disputed Domain Names in 2025. Taking into account all circumstances of this case, the Panel finds that the Respondent was well aware of the Complainant's business and its BYOMA Trademark when registering the confusingly similar Disputed Domain Names that completely incorporate the Complainant's BYOMA Trademark. The addition of the geographical terms "canada", "schweiz" and "uk", countries where the Complainant carries on an active business, to the Complainant's BYOMA Trademark in the Disputed Domain Names, is further evidence, that the Respondent was well aware of the Complainant's BYOMA Trademark and business at the time of registration of the Disputed Domain Names and has done so for the only purpose of creating an impression that the Disputed Domain Names are connected with the Complainant's BYOMA Trademark. The Panel considers it is obviously bad faith that the Respondent deliberately chose the Disputed Domain Names to create a likelihood of confusion with the Complainant's BYOMA Trademark.

Moreover, the Disputed Domain Names previously resolved to websites purportedly offering the Complainant's products under the BYOMA Trademark and containing fake "login" forms impersonating the Complainant, most likely doing so for the purpose of soliciting personal information. Internet users would have mistakenly believed the Disputed Domain Names are connected to, associated with, or endorsed or sponsored by the Complainant. Panels have held that the use of a domain name for illegal activity, in this case, claimed impersonation/passing off, or other types of fraud constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

The passive holding of the Disputed Domain Names does not prevent a finding of bad faith under the circumstances of this case. [WIPO Overview 3.0](#), section 3.3.

In view of the absence of any evidence to the contrary and the fact that the Respondent did not file any response to these proceedings, the Panel concludes that the Respondent has registered and is using the Disputed Domain Names in bad faith.

In view of the foregoing, the Panel finds that paragraph 4(a)(iii) of the Policy has been satisfied by the Complainant and accordingly, the Disputed Domain Names were registered and are being used in bad faith.

## 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 <byomacanada.com>, <byomaschweiz.com>, and <byomauk.com> be transferred to the Complainant.

*/Mariia Koval/*

**Mariia Koval**

Sole Panelist

Date: October 16, 2025