

## **ADMINISTRATIVE PANEL DECISION**

Shanghai VisuScience Meditech Co., Ltd. v. Raimundo Fernandez  
Case No. D2025-3739

### **1. The Parties**

The Complainant is Shanghai VisuScience Meditech Co., Ltd., China, represented by Yingming Hong, China.

The Respondent is Raimundo Fernandez, United States of America ("United States").

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

The disputed domain name <meibovue.com> is registered with GoDaddy.com, LLC (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 15, 2025. On September 15, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 16, 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 ("Registration Private / Domains By Proxy, LLC / OCURX LLC") and contact information in the Complaint. The Center sent an email communication to the Complainant on September 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 September 19, 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 September 23, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 13, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 14, 2025.

The Center appointed Steven A. Maier as the sole panelist in this matter on October 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.

On October 27, 2025, the Panel issued Procedural Order No. 1, to which further reference is made below.

#### **4. Factual Background**

The Complainant is a manufacturer of ophthalmic instruments. Its products include a smartphone meibographer (a device that captures images of the meibomian glands in the eyelids) which is sold under the brand name and trademark MEIBOVUE.

The Complainant is the owner of United States trademark registration number 7036543 for a stylized character mark MEIBOVUE, registered on April 25, 2023, in International Class 10, indicating a first use date of December 1, 2019.

The disputed domain name was registered on March 8, 2023.

According to a screenshot exhibited by the Complainant, on September 8, 2025, the disputed domain name resolved to a website at “www.meibovue.com”, headed “MeiboVue or DA-2 Dry Eyes Analyzer?”. The website compared the Complainant’s MEIBOVUE product with a competing product named DA-2, concluding that the competing product was the superior choice.

#### **5. Parties’ Contentions**

##### **A. The Complaint**

The Complainant submits that the disputed domain name is identical to its MEIBOVUE trademark.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that the Respondent was formerly its authorized distributor, but that relationship was terminated with effect from August 14, 2025, with a sell-off period terminating on September 30, 2025.

The Complainant submits that the disputed domain name was registered and is being used in bad faith. It contends that the Respondent clearly had knowledge of the Complainant’s trademark, and that the Respondent is currently using the disputed domain name to divert the Complainant’s customers and to disparage the Complainant’s product.

The Complainant request the transfer of the disputed domain name.

##### **B. Response**

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

##### **C. Procedural Order No. 1 and the Complainant’s Reply Filing**

By way of Procedural Order No. 1, the Panel reminded the Parties that, in order to establish the third element under the Policy, the Complainant must establish both registration and use of the disputed domain name in bad faith. The Panel invited the Complainant to indicate whether it contended that the Respondent’s knew its original registration of the disputed domain name to be unauthorized, and if so to provide further particulars in that regard.

The Complainant replied to Procedural Order No. 1 on October 27, 2025. Its reply filing states that the Respondent was formerly its non-exclusive distributor for the United States. It contends that it never authorized or permitted the Respondent to register any domain names including its MEIBOVUE trademark, that the Respondent never sought or obtained any such permission, and that there was nothing in the relevant distribution agreement that authorized the registration in question.

Further, the Complainant exhibited an email from the Respondent dated October 2, 2025, offering to sell the disputed domain name to the Complainant for USD 250,000.

Despite being given until November 10, 2025 to do so, the Respondent did not reply to the Complainant's reply filing.

## **6. Discussion and Findings**

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are 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 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**

The Complainant has established that it has registered trademark rights in the mark MEIBOVUE. While its United States registration is for a stylized character mark, the disputed domain name is to all intents and purposes identical to the Complainant's trademark. The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

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

The assessment of whether a respondent has rights or legitimate interests in respect of a disputed domain name is made with a view to the circumstances prevailing at the time of the filing of the complaint (see section 2.11 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"). The Complainant has provided evidence, which is not disputed by the Respondent, that the Respondent's distributor status for the Complainant's products was terminated with effect from August 14, 2025, with a sell-off period expiring on September 30, 2025. There being no evidence of any ongoing or other interest that the Respondent may have in the disputed domain name or any name corresponding to it, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

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

It is clear from the Complainant's submission and exhibits that the Respondent has used the disputed domain name in bad faith following the termination of the commercial relationship between the Parties. The disputed domain name is identical to the Complainant's mark and can only sensibly relate to the Complainant's MEIBOVUE product, and its ongoing use by the Respondent will inevitably mislead Internet users into believing that it is currently operated or authorized by, or otherwise legitimately affiliated with, the Complainant. Furthermore, the Respondent has used the disputed domain name to disrupt the Complainant's business by promoting a competing product.

However, as is unarguably clear from prior decisions under the UDRP, the third element under the Policy requires a complainant to prove not only that the respondent has used the disputed domain name in bad faith, but also that it originally registered or acquired the disputed domain name in bad faith. Moreover, there is no capacity for retroactive bad faith to be inferred from the respondent's later conduct (see section 3.2.1 of [WIPO Overview 3.0](#)).

Accordingly, in cases where a former distributor is able to demonstrate that it registered a domain name with the express or implied authority of the trademark owner, a complainant may face difficulty in obtaining the transfer of a disputed domain name even after the relevant commercial relationship has ended. However, the Panel does not consider this to be such a case. The Complainant denies that the Respondent had any express or implied authority to register the disputed domain name, and despite having had two opportunities to do so, the Respondent has not disputed that contention (nor has it for that matter replied to argue any legitimate use at any point). Moreover, in a case such as the present, where the disputed domain name is effectively identical to the Complainant's distinctive trademark, the Panel finds that a non-exclusive distributor cannot reasonably have believed it was permitted to register the disputed domain name without the unequivocal authority of the Complainant.

The Panel concludes in the circumstances that the disputed domain name was both registered and has been 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 name <meibovue.com> be transferred to the Complainant.

*/Steven A. Maier/*

**Steven A. Maier**

Sole Panelist

Date: November 17, 2025