WIPO
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ARBITRATION
AND
MEDIATION CENTER

ADMINISTRATIVE PANEL DECISION

Bausch & Lomb Incorporated v. 柳传榜 (liu chuan bang)
Case No. D2025-4468

1. The Parties

The Complainant is Bausch & Lomb Incorporated, United States of America ("United States"), represented by Adams and Reese LLP, United States.

The Respondent is 柳传榜 (liu chuan bang), China.

2. The Domain Name and Registrar

The disputed domain name <preservisions.site> is registered with Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn) (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on October 29, 2025. On October 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 31, 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 (unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 31, 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 in English on October 31, 2025.

On October 31, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On October 31, 2025, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 November 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 26, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 9, 2025.

The Center appointed Karen Fong as the sole panelist in this matter on December 16, 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 is the owner of the trade mark, PRESERVISION which is the brand for a line of its eye vitamins. Launched in 2001, the PRESERVISION eye vitamins are designed for individuals diagnosed with moderate to advances age-related macular degeneration and are in most cases taken by consumers based on a recommendation from their ophthalmologist or optometrist. The Complainant's PRESEVISION products are sold through a network of authorized retailers as well as through its principal website at the domain name <preservision.com>.

The Complainant owns many trade mark registrations for PRESERVISION all over the world including the following:

- United States Trade Mark Registration No. 2696725 for PRESERVISION registered on March 11, 2003;
- United States Trade Mark Registration No. 4818033 for PRESERVISION registered on September 22, 2015;
- United States Trade Mark Registration No. 7138986 for PRESERVISION (stylized) registered on August 15, 2023;

(individually and collectively referred to as the "Trade Mark").

The Complainant also owns other domain names comprising the Trade Mark including <preservision.info>, <preservision.net>, and <preservision.org>.

The Respondent, who appears to be based in China, registered the disputed domain name on September 18, 2025. The disputed domain name resolved to a website which displays the Trade Mark prominently, mimics the Complainant's own website including using its images and content and purports to offer for sale the Complainant's PRSERVISION eye vitamins (the "Website"). The Complainant alleges that it learnt of the existence of the Website in October 2025 after receiving a complaint from a consumer who did not receive product purchased from the Website despite being charged for it. The consumer had mistakenly believed that the Website was operated by the Complainant. The Complainant notified the web host of the Website and the Website was taken down.

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 the Trade Mark, that the Respondent has no rights or legitimate interests with respect to the disputed domain name, and that the disputed domain name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

6.1 Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for the following main reasons:

- The disputed domain name is composed of Latin characters rather than Chinese script;
- The disputed domain name incorporates the Tarde Mark which is made up of English words;
- The Website was in the English language;
- The Website provided a contact address in the United States;
- The Complainant is based in the United States and would be unfairly prejudiced by the time and expense it would take to translate the Complaint and evidence into Chinese when the Respondent is proficient in English.

The Respondent has not challenged the Complainant's language request, and in fact has failed to file a response in either English or Chinese despite being duly notified by the Center in both English and Chinese of the language of the proceeding and of the commencement of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

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 identity or confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trade mark and the disputed domain name. WIPO Overview 3.0, section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. WIPO Overview 3.0, section 1.2.1.

The Panel finds the entirety of the Trade Mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the Trade Mark for the purposes of the Policy. WIPO Overview 3.0, section 1.7.

While the addition of the letter "s" after the Trade Mark may bear on assessment of the second and third elements, the Panel finds the addition of the word does not prevent a finding of confusing similarity between the disputed domain name and the Trade Mark for the purposes of the Policy. WIPO Overview 3.0, section 1.8.

Based on the available record, 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.

While 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 often impossible 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. 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 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.

Moreover, the nature of the disputed domain name, which comprises the Trade Mark in its entirety with the mere addition of the letter "s" at the end—giving the appearance of a plural form that is easily overlooked by Internet users—further increases the likelihood of confusion. Coupled with the use of the disputed domain name to resolve to a Website through which the Respondent impersonates the Complainant, this configuration affirms the Respondent's intention to take unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the source, origin, or affiliation of the Website.

Based on the available record, 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 considers it evident that the Respondent was aware of the Trade Mark when registering the disputed domain name given the Trade Mark was registered prior to registration of the disputed domain name, the reputation of the Trade Mark and the use of the Trade Mark and the Complainant's copyright content on the Website. The Panel further notes that the disputed domain name reproduces the Trade Mark in its entirety with the mere addition of the letter "s" at the end, creating the appearance of a plural form that is easily missed by Internet users and does not serve to distinguish the disputed domain name from the Trade Mark.

In the WIPO Overview 3.0, section 3.2.2 states as follows:

"Noting the near instantaneous and global reach of the Internet and search engines, and particularly in circumstances where the complainant's mark is widely known (including in its sector) or highly specific and a

respondent cannot credibly claim to have been unaware of the mark (particularly in the case of domainers), panels have been prepared to infer that the respondent knew, or have found that the respondent should have known, that its registration would be identical or confusingly similar to a complainant's mark. Further factors including the nature of the domain name, the chosen top-level domain, any use of the domain name, or any respondent pattern, may obviate a respondent's claim not to have been aware of the complainant's mark."

The fact that there is a clear absence of rights or legitimate interests coupled with the Respondent's choice of the disputed domain name incorporating the Trade Mark with only a trivial easily overlooked variation, without any explanation, is also a significant factor to consider (as stated in WIPO Overview 3.0, section 3.2.1). The disputed domain name falls into the category stated above and the Panel finds that registration is in bad faith.

The disputed domain name is also being used in bad faith. The Respondent has made unauthorised use of the Complainant's Trade Mark and copyright content, and the Website purports to offer for sale the Complainant's PRESERVISION products without authorisation. Taken together, these factors strongly indicate that the Respondent is deliberately impersonating the Complainant, with a view to misleading Internet users and potentially facilitating fraudulent activity.

The Website prominently displays the Trade Mark and reproduces the Complainant's branded content, without any disclaimer clarifying the absence of any relationship between the Parties. The overall presentation of the Website is calculated to give the false impression that it is operated by, authorised by, or otherwise affiliated with the Complainant.

The Complainant alleges that a customer visited the Website believing it to be associated with the Complainant and only realised the error after not receiving the PRESERVISION product ordered after the customer's credit card was charged. While no documentary evidence was submitted in support of this allegation, the Panel does not consider such evidence necessary in the circumstances. The structure, content, and use of the Website plainly demonstrate a likelihood of confusion. The Panel is satisfied that the Website was deliberately designed to mislead Internet users into believing that it is connected with the Complainant.

It is highly likely that Internet users who type the disputed domain name into their browser or encounter it via a search engine would expect to reach a website operated by the Complainant. The disputed domain name wholly incorporates the Trade Mark and has been used in a manner that reinforces that false association, thereby increasing the risk of confusion.

Further, the use of the disputed domain name in this manner enables the Respondent to solicit and collect sensitive personal and payment information, including credit card details. This gives rise to a serious risk of phishing and other forms of financial fraud, and further supports a finding of bad faith.

In light of the above, the Panel concludes that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its Website by creating a likelihood of confusion with the Complainant's Trade Mark as to the source, sponsorship, affiliation, or endorsement of the Website and the products offered on it, within the meaning of paragraph 4(b)(iv) of the Policy.

Accordingly, the Panel finds that the disputed domain name has been registered and is being used in bad faith, and that the third element of the Policy has been established. Based on the available record, the Panel finds the third element of the Policy has been established.

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 <preservisions.site> be transferred to the Complainant.

/Karen Fong/
Karen Fong
Sole Panelist
Date: January 6, 2026