

ADMINISTRATIVE PANEL DECISION

Tarsus Pharmaceuticals, Inc. v. Justin Gear
Case No. D2025-5152

1. The Parties

Complainant is Tarsus Pharmaceuticals, Inc., United States of America (“United States”), represented by Knobbe, Martens, Olson & Bear, LLP, United States.

Respondent is Justin Gear, United States.

2. The Domain Name and Registrar

The disputed domain name <rxtarsus.com> is registered with Wild West Domains, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 10, 2025. On December 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 11, 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) and contact information in the Complaint. The Center sent an email communication to Complainant on December 12, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on December 16, 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 Respondent of the Complaint, and the proceedings commenced on December 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 7, 2026. Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 8, 2026.

The Center appointed Jeffrey M. Samuels as the sole panelist in this matter on January 14, 2026. 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

Complainant Tarsus Pharmaceuticals, Inc. is a commercial stage biopharmaceutical company that was founded in 2016. Complainant's business is focused on the development of therapeutics for diseases with high unmet needs, including the ocular condition Demodex blepharitis that effects about 25 million people in United States. Complainant has earned nearly USD 500 million in sales from its groundbreaking XDEMVY® treatment under its TARSUS brand.

Complainant owns United States Trademark Registration No. 7,402,367 for the mark TARSUS and design (circle with a T inside) (the term "TARSUS" disclaimed), which was registered on May 28, 2024. Complainant also has pending before the United States Patent and Trademark Office two trademark applications, one for TARSUS CONNECT (Application Serial No. 98199771) and one for its corresponding design mark (Application Serial No. 98199765). Complainant also owns the domain name <tarsusrx.com>, which it launched in 2018, and whose corresponding website prominently displays one or more of its TARSUS marks on each page.

Complainant also promotes and displays its TARSUS marks on its various social media pages, such as Facebook, Instagram, and Twitter.

The disputed domain name was registered on July 27, 2025. Respondent has used an email account linked to the disputed domain name to send communications purporting to come from Complainant.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, Complainant contends that it has "strong rights" in its TARSUS marks resulting from its United States trademark registration, its pending applications for its TARSUS-related marks, and from continuous use of its TARSUS marks since at least as early as 2016. It notes that it was founded in 2016, and has used the TARSUS mark since that date; that its website was available to the public and prominently displayed the TARSUS marks since at least as early as August 27, 2018; and that news articles from as early as 2020 discuss Complainant and its use of the TARSUS marks. It further asserts that since 2023, Complainant's products have enjoyed commercial success. Quarterly sales of its XDEMVY® product have increased by over USD 100 million since launch in 2023, with a year-on-year sales growth of 147 percent. Over 20,000 eye care professionals have prescribed Complainant's products to their patients.

Complainant asserts that the disputed domain name incorporates the TARSUS mark in its entirety. It points out that the most distinguishing feature of the disputed domain name is the term "tarsus", which is identical to its TARSUS mark.

Complainant maintains that Respondent has no rights or legitimate interests in the disputed domain name. It indicates that it has not authorized, licensed, or permitted Respondent to use the TARSUS mark in connection with registering the disputed domain name. Complainant argues that Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services and is not making a legitimate noncommercial or fair use of the disputed domain name. "In fact, Respondent is making

illegitimate, commercial, unfair use of the Disputed Domain Name by impersonating Complainant and seeking to confuse third parties into making fraudulent transactions and surrendering private information.” (Emphasis in original.)

Finally, Complainant asserts that Respondent registered and is using the disputed domain name in bad faith. Complainant points out that its United States trademark registration was issued over one year before the registration of the disputed domain name and that it has extensively used and promoted its TARSUS marks for several years before the registration of the disputed domain name. “Given Complainant’s registrations/applications for and extensive use of the TARSUS Marks, it is highly unlikely that Respondent would have been unaware of Complainant’s rights when registering the Disputed Domain Name.” According to Complainant, given that the disputed domain name incorporates the term “tarsus”, it is “highly likely that internet users will associate the Disputed Domain Name with Complainant or mistakenly believe that Complainant has sponsored or approved of the Disputed Domain Name, when it has not.”

Complainant notes that the disputed domain name leads to an inactive webpage and contends that such passive holding is evidence of bad faith registration and use under paragraph 4(a)(iii) of the Policy.

Moreover, Complainant adds, Respondent is using the disputed domain name fraudulently. Complainant points out that Respondent registered an email address under the disputed domain name to deliberately deceive third parties into believing that the disputed domain name is affiliated with Complainant. Complainant asserts that Respondent has, via this email address, actively reached out to multiple third parties claiming to be Complainant and sought to place orders for supplies posing as Complainant. According to Complainant, Respondent attempted to fraudulently purchase at least two forklifts, 245 wheelchairs, and 20 refrigerators.

In response to Respondent’s fraudulent actions, Complainant submitted an Internet Crimes complaint to the United States Federal Bureau of Investigation.

In sum, Complainant maintains that “Respondent was fully aware of Complainant’s rights in the TARSUS marks when registering the Disputed Domain Name. Respondent registered, used, and is using the Disputed Domain Name primarily for the purpose of disrupting Complainant’s business, as part of a fraudulent scheme for Respondent’s benefit, and/or for the purpose of intentionally attempting to attract internet users to Respondent’s inactive website by creating a likelihood of confusion with Complainant’s well-known mark as to the source, sponsorship, affiliation or endorsement of Respondent’s inactive website.”

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

While Complainant relies, in part, on its United States registration for TARSUS and design to establish rights under the Policy, the Panel notes that such registration includes a disclaimer of exclusive rights in the term “TARSUS.” The registration certificate includes the following statement: “No claim is made to the exclusive right to use the following apart from the mark as shown: ‘TARSUS’.” Thus, Complainant’s United States registration alone is insufficient to provide a basis to establish Complainant’s rights in the term TARSUS for the purposes of the Policy, nor does the fact that Complainant has two pending applications to register its TARSUS-related marks.

However, the Panel finds that Complainant has established common law rights in its TARSUS mark for the purposes of the Policy. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.3. The file indicates that Complainant has used the TARSUS mark since

at least as early as 2016; that the mark is prominently displayed on Complainant's website, which was available since at least as early as August 2018; and that Complainant's XDEMVY® eye drops, the packaging for which bears the TARSUS mark, has enjoyed significant commercial success and is being used by over 20,000 eye care professionals. As noted in the above-mentioned [WIPO Overview 3.0](#) section, the fact that secondary meaning may only exist in a particular market niche does not preclude a complainant from establishing trademark rights under the Policy. Moreover, the Panel notes that Respondent has directly targeted Complainant and its mark in a fraudulent scheme, which further supports a finding that Complainant's mark has achieved significance as a source identifier.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is 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 "rx", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8. The Panel notes, as pointed out by Complainant, that the term "rx" is a common abbreviation for prescription.

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 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 Complainant has established a *prima facie* case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

Panels have held that the use of a domain name for illegitimate activity can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. Here, the case file establishes that Respondent is using the disputed domain name as part of an email address to give third parties the mistaken impression that he is employed by Complainant and authorized to make certain purchases.

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

C. Registered and Used in Bad Faith

Panels have held that the use of a domain name for illegitimate activity constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. As set forth above, the case file establishes that Respondent has engaged in illegitimate activity by sending fraudulent email communications impersonating Complainant. The Panel finds Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The fact that the disputed domain name resolves to an inactive website does not change the result. As noted above, Complainant has established common law rights in its TARSUS mark, which enjoys a reputation at least among eye care professionals. The fact that the disputed domain name, in addition to including the term "tarsus", also includes the term "rx", which has a well-known meaning within the pharmaceutical industry, the very business Complainant is engaged in, is a further exacerbating factor on the issue of bad faith. [WIPO Overview 3.0](#), section 3.2.1.

The Panel finds that 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 <rxtarsus.com> be transferred to Complainant.

/Jeffrey M. Samuels/

Jeffrey M. Samuels

Sole Panelist

Date: January 20, 2026