

## **ADMINISTRATIVE PANEL DECISION**

**Bausch & Lomb Incorporated v. MESHIA,NACOLE BLACKWELL**  
Case No. D2026-0281

### **1. The Parties**

Complainant is Bausch & Lomb Incorporated, United States of America (“United States”), represented by Adams & Reese, LLP, United States.

Respondent is MESHIA,NACOLE BLACKWELL, United States.

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

The disputed domain name <preservisionbio.shop> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 23, 2026. On January 23, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 23, 2026, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on January 26, 2026, 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 January 29, 2026.

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 January 30, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 19, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on February 20, 2026.

The Center appointed Clark W. Lackert as the sole panelist in this matter on February 25, 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 is the owner of various trademarks and trade dress elements related to the PRESERVISION line of eye vitamins, and uses the domain name <preservision.com> to host its official site. Genuine PRESERVISION eye vitamins are designed for individuals diagnosed with moderate to advanced age-related macular degeneration and are in most cases taken by consumers based on a recommendation from their ophthalmologist or optometrist. Complainant sells its PRESERVISION-branded eye vitamins, which include bioactive products such as “biotin”, through a network of authorized retailers, including some of the largest retailers in the United States. Complainant also sells its products through its “www.preservision.com” website and related websites. Complainant’s domain name <preservision.com> was registered on February 6, 2002.

Complainant has engaged in extensive advertising and promotion of its PRESERVISION mark and products sold under the mark, including through television, digital advertising, print media, and other advertising and promotional campaigns. Complainant claims it has spent considerable funds promoting the PRESERVISION brand since its launch in 2001.

Complainant asserts that it owns valid and subsisting registrations for the PRESERVISION mark in numerous jurisdictions, including but not limited to Argentina, Australia, Benelux, Brazil, Canada, China, Colombia, Denmark, the European Union, France, Germany, India, Israel, Italy, Jordan, Malaysia, Morocco, New Zealand, the Philippines, Spain, Switzerland, Sweden, the United Kingdom, the United States, and Uruguay. A sample of Complainant’s relevant trademark registrations is as follows:

Trademark	Jurisdiction	Registration Number	Registration Date
PRESERVISION	United States	2696725	March 11, 2003
PRESERVISION	United States	4818033	September 22, 2015
PRESERVISION & Design	United States	7138986	August 15, 2023
PRESERVISION	European Union	3253333	January 17, 2005

The disputed domain name was registered on December 15, 2025. The disputed domain name previously resolved to a website mimicking that of Complainant and offering Complainant’s “Preservision”-branded eye vitamins. According to the Complaint, Complainant had also received a phone call from its customer requesting assistance with an order the customer had made from the website at the disputed domain name, which the customer believed was Complainant’s website. At the time of filing of the Complaint, the disputed domain name resolved to an error page.

## 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.

#### **The domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights.**

The disputed domain name incorporates the PRESERVISION mark in its entirety. As many UDRP panels have recognized, a domain name's incorporation of a registered trademark in its entirety, or a close approximation thereof, is sufficient to establish that the domain is identical or confusingly similar to that mark, particularly where the mark is the dominant element of the domain name. E.g., *Milliman, Inc. v. ICS Inc.*, WIPO Case No. [D2017-0360](#) ("Confusing similarity will often result where the disputed domain name wholly incorporates or reproduces a principal component of the complainant's trademark"); *Berlitz Investment Corporation v. Marcus Santamaria*, WIPO Case No. [D2006-1082](#) (stating that "[t]he vast majority of UDRP panelists recognize that 'a domain name is 'identical or confusingly similar' to a trademark for purposes of the [UDRP] when the domain name includes the trademark, or a confusingly similar approximation, regardless of the other terms in the domain name"). The disputed domain name is therefore identical or confusingly similar to the PRESERVISION mark.

The addition of the descriptive term "bio" does not prevent the disputed domain name from being confusingly similar to Complainant's PRESERVISION trademark. It is well settled that "[t]he mere addition of a generic or descriptive word to a trademark name does not prevent a domain name from being confusingly similar to the trademark." *Credit Industriel et Commercial S.A. and Confédération Nationale du Crédit Mutuel v. Spiral Matrix*, WIPO Case No. [D2006-0271](#). In fact, because Complainant develops eye vitamins containing bioactive substances, such as biotin, the addition of the descriptive term "bio" actually serves to increase the confusing similarity rather than differentiate the disputed domain name.

#### **Respondent has no rights or legitimate interests in respect of the domain name.**

None of the circumstances provided in paragraph 4(c) of the Policy for demonstrating a respondent's rights to and legitimate interests in a domain name are present in this case. To Complainant's knowledge, "preservisionbio" is not Respondent's name, and Respondent is not, and has never been, commonly known as "preservisionbio." Respondent is not, and has never been, a licensee of Complainant. Furthermore, Respondent has never been authorized by Complainant to register or use the PRESERVISION mark or to apply for or use any domain name incorporating the mark (or a variant thereof).

Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services, or in a legitimate noncommercial or fair manner. At the time a customer notified Complainant of the bad order number, the disputed domain name directed to a "copycat" website using Complainant's trademarks and copyright-protected content to pass itself off as the official PRESERVISION website. Based on the customer service call Complainant received from a customer, Respondent appears to be using the website connected with the disputed domain name to simply collect financial information from online shoppers who believed they were ordering genuine PRESERVISION eye vitamins from Complainant's official PRESERVISION website.

#### **The domain name was registered and is being used in bad faith.**

Respondent registered and is using the disputed domain name in bad faith. Respondent was clearly aware of Complainant and the famous PRESERVISION mark at the time of registration. Given Complainant's extensive use and promotion of the PRESERVISION mark, trademark registrations incorporating the PRESERVISION mark, and Complainant's ownership and use of domain names incorporating the PRESERVISION mark, including the domain name <preservision.com>, it is not plausible that Respondent

could have been unaware of Complainant and the PRESERVISION mark at the time of registration. Respondent's knowledge of Complainant is further confirmed by the content of Respondent's website, which advertised Complainant's PRESERVISION-branded eye vitamins and featured images copied from Complainant's website at the domain name <preservision.com>.

At the time a customer brought the disputed domain name to the attention of Complainant, Respondent was using the disputed domain name for the purpose of redirecting Internet users, and particularly customers of Complainant, from Complainant's website to Respondent's "copycat" website advertising unauthorized PRESERVISION-branded eye vitamins. In doing so, Respondent passed itself off as Complainant in order to collect Complainant's customers' financial information. This activity represents bad faith registration and use with a view to financial gain as envisioned by paragraph 4(b)(iv) of the Policy. See *Sergio Rossi S.P.A. v. Liu dexing / Name Redacted / Kyu, John Rex / Jia Qi Yuan, Yi Wu Shi Yi Yun Dian Zi Shang Wu You Xian Gong Si*, WIPO Case No. [D2019-2330](#) (finding bad faith under paragraph 4(b)(iv) where the respondent had used the domain names to resolve to a website displaying the Complainant's trademark and offering for sale the complainant's products, "giving the misleading impression that it was affiliated with, or approved by, the Complainant").

The active mail exchange ("MX") records associated with the disputed domain name serve as evidence that Respondent is likely using the disputed domain name in connection with phishing, fraud, or other unlawful activities. See *Equifax Inc. v. Contact Privacy Inc. Customer 7151571251 / David Mayor*, WIPO Case No. [D2022-2627](#) (finding Respondent's configuration of the domain name to send and receive emails, as evidenced by the MX mail records, supported a bad faith finding). In doing so, Respondent presumably uses the appearance of the PRESERVISION mark in the disputed domain name to deceive email recipients into believing that Respondent is affiliated with Complainant, so that such recipients entrust Respondent with their personal information. As stated in WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 3.1.4, use of a domain name for *per se* illegitimate activity such as phishing or fraud "is manifestly considered evidence of bad faith." See, e.g., *Golub Capital v. Janet Booth, Michael D Amico and Clarence Mankin*, WIPO Case No. [D2024-2014](#).

In addition, Respondent has demonstrated a pattern of conduct indicative of bad faith registration and use of domain names incorporating others' trademarks in the field of beauty and health products in violation of paragraph 4(b)(ii) of the Policy. A reverse Whois search reveals several other domain names registered to Respondent's email address, all of which direct to suspicious skincare and supplement product websites for which Respondent presumably does not own the trademarks. Such activities are additional evidence of bad faith pursuant to paragraphs 4(b)(ii) and 4(b)(iv) of the Policy.

The fact that the disputed domain name does not currently resolve to an active website does not negate Respondent's bad faith. The consensus view of UDRP panels is that such "passive holding" does not prevent a finding of bad faith, and a panel must look at the totality of the circumstances to determine whether a respondent is acting in bad faith. Such circumstances may include, for example, the well-known status of the trademark at issue. *Philip Morris USA Inc. v. Daniele Kanai, iKiss LLC*, WIPO Case No. [D2015-1527](#) (quoting paragraph 3.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Second Edition).

In view of the above, Respondent clearly registered and is using the disputed domain name in bad faith.

## **B. Respondent**

Respondent is in default and did not reply to Complainant's contentions.

## **6. Discussion and Findings**

### **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 Complainant's trademark and the disputed domain name. [WIPO Overview 3.1](#), section 1.7.

Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

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 3.1](#), section 1.7. Moreover, the Top-Level Domain ".shop" is to be disregarded for confusing similarity assessment purposes. [WIPO Overview 3.1](#), section 1.11.1.

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 that 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 3.1](#), 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 illegal activity, here claimed as applicable to this case: a copycat site, passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

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 notes that the Respondent's actions fall under paragraphs 4(b)(ii) and paragraph 4(b)(iv) of the Policy.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.1](#), section 3.2.1.

Panels have held that the use of a domain name for illegal activity, here claimed a copycat site, passing off, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds Respondent's registration and use of the disputed domain name constitute bad faith under the Policy.

As regards the current passive holding, panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the reputation of Complainant's trademark, the composition and prior use of the disputed domain name, and finds that in the circumstances of this case the current passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

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 <preservisionbio.shop> be transferred to Complainant.

*/Clark W. Lackert/*

**Clark W. Lackert**

Sole Panelist

Date: March 10, 2026