

## **ADMINISTRATIVE PANEL DECISION**

Bausch & Lomb Incorporated v. Iain macLEOD, In Your Local  
Case No. D2026-0389

### **1. The Parties**

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

The Respondent is Iain macLEOD, In Your Local, United Kingdom.

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

The disputed domain name <lumifyforeyes.com> is registered with Tucows Domains Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 29, 2026. On January 30, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 30, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 2, 2026, 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 February 6, 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 the Respondent of the Complaint, and the proceedings commenced on February 9, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 1, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 3, 2026.

The Center appointed Nathalie Dreyfus as the sole panelist in this matter on March 10, 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

The Complainant, Bausch & Lomb Incorporated, is a company which develops and markets redness reliever eye drops under the LUMIFY mark. The Complainant owns various trademarks relating to the LUMIFY product line, as well as copyright in the product packaging and materials and in the content appearing on its official website. The Complainant sells its LUMIFY-branded eye drops through a network of authorized retailers, as well as through its official website at “www.lumifyeyes.com”.

The Complainant notably owns the following, but not limited to, LUMIFY trademarks:

- The U.S. trademark LUMIFY No. 5,552,461, registered on August 28, 2018 and covering goods in class 5.
- The U.S. trademark LUMIFY EYE ILLUMINATIONS No. 7,256,218, registered on December 26, 2023 and covering goods in class 3.

- The U.S. trademark  No. 7,138,943, registered on August 15, 2023 and covering goods in class 5.

- The U.S. trademark  No. 7,179,843, registered on October 3, 2023 and covering goods in class 5.

- The U.S. trademark  No. 7,192,472, registered on October 17, 2023 and covering goods in class 5.

- The U.S. trademark  No. 7,186,633, registered on October 10, 2023 and covering goods in class 5.

- The U.S. trademark  No. 7,138,942, registered on August 15, 2023 and covering goods in class 5.

- The U.S. trademark  No. 7,508,834, registered on September 17, 2024 and covering goods in class 3.

- The U.S. trademark BAUSCH + LOMB LUMIFY No. 7,179,844, registered on October 3, 2023 and covering goods in class 5.

The disputed domain name was registered on June 25, 2024 and according to the Complainant, it has been identified by the domain monitoring of the Complainant in January 2026. At that time, the disputed domain name was directing to a website displaying the Complainant's official LUMIFY trademark and advertising the Complainant's LUMIFY redness reliever eye drops, while featuring infringing trademarks and copyright-protected content copied from the Complainant's official website at the domain name <lumifyeyes.com>. Also, the disputed domain name has active Mail Exchange("MX") records.

Since the Complainant reported the infringing website to the web host, the disputed domain name no longer directs to an active website.

At the time of filing the Complaint, the Respondent's identity was hidden by the Registrar.

## **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.

First, the Complainant submits that the disputed domain name fully incorporates the Complainant's LUMIFY trademark in its entirety. The Complainant adds that the terms "for eyes" increases confusing similarity.

Secondly, the Complainant argues that, as the exclusive owner of the LUMIFY trademark, the Respondent has no rights to or legitimate interests in the disputed domain name. The Complainant states that "lumify for eyes" is not the Respondent's name and that the Respondent has never been commonly known by that name. The Complainant further submits that the Respondent has never been authorized to register or use the LUMIFY trademark and has never been a licensee of the Complainant.

Finally, the Complainant argues that the Respondent has not used the disputed domain name in connection with a bona fide offering of goods or services or for a legitimate noncommercial or fair purpose. According to the Complainant, the Respondent copied the Complainant's official website and was presumably using the website associated with the disputed domain name to collect financial information from online shoppers. The Complainant also notes that the presence of active MX records indicates that the disputed domain name may be used for sending and receiving emails, potentially misleading recipients into believing that the Respondent is affiliated with the Complainant.

Moreover, the Complainant contends that the Respondent could not have been unaware of the Complainant's LUMIFY trademark given the Respondent's use of the mark on the associated website. The Complainant further submits that the active MX records associated with the disputed domain name suggest that the Respondent may be using the disputed domain name in connection with phishing, fraud, or other unlawful activities.

### **B. Respondent**

The Respondent did not reply to the 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 the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Select UDRP Questions (["WIPO Overview 3.1"](#)), section 1.7.

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

The entirety of the LUMIFY 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.

Although the addition of other terms here, "for eyes" may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

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 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 that 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.

Panels have held that the use of a domain name for illegal activity, in this case operating a copycat website and passing off as the Complainant, including by reproducing the Complainant's trademarks, logo, and website content can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

The Respondent did not submit a Response and has therefore failed to rebut the Complainant's prima facie case.

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.

The composition of the disputed domain name, which incorporates the Complainant's LUMIFY trademark in its entirety together with the descriptive terms "for eyes", further indicates that the Respondent had the Complainant and its mark in mind when registering the disputed domain name. The added terms to the Complainant's trademark reinforce the association with the Complainant's LUMIFY trademark, which is used in connection with eye care and ophthalmic products.

Panels have held that a respondent's knowledge of a complainant's trademark may be inferred from the content of the Respondent's website. In the present case, the content of the Respondent's website, which advertised the Complainant's LUMIFY-branded redness reliever eye drops, demonstrates that the Respondent was aware of the Complainant's trademark and intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's mark. Such conduct supports a finding of bad faith registration and use under paragraph 4(b)(iv) of the Policy.

Panels have held that the use of a domain name for illegal activity such as operating a copycat website and passing off as the complainant, including by reproducing the Complainant's trademarks, logo, and website content constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds that the Respondent's registration and use of the disputed domain name constitute bad faith under the Policy. Moreover, the fact that the website is no longer active does not prevent a finding of bad faith given the Respondent's prior use of the disputed domain name.

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

*/Nathalie Dreyfus/*

**Nathalie Dreyfus**

Sole Panelist

Date: March 24, 2026