

ADMINISTRATIVE PANEL DECISION

EyeCare Partners, LLC v. Margot Miller and Port lincoln
Case No. D2026-1299

1. The Parties

Complainant is EyeCare Partners, LLC, United States of America (“United States”), represented by Lewis Rice LLC, United States.

Respondent is Port Lincoln and Margot Miller, United States.

2. The Domain Name and Registrar

The disputed domain names are <eyecare-partners.site> and <eyecarepartner.com> registered with Hostinger Operations, UAB (“Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (“Center”) on March 26, 2026. On March 26, 2026, the Center transmitted by email to Registrar a request for registrar verification in connection with the disputed domain name. On March 27, 2026, Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from that in the Complaint (e.g., the Complaint named each disputed domain name in care of its Registrar as Respondent and alleged that each was registered under “Privacy Protection Provided by Hostinger” and was under the control of Respondent) and further, that each of the disputed domain names was registered under a different name. The Center sent an email communication to Complainant on March 30, 2026, providing the registrant and contact information disclosed by Registrar for each of the disputed domain names and requesting Complainant to either: (a) file a separate complaint for each of the disputed domain names or (b) demonstrate that the registrant of each was the same (or that the disputed domain names were under common control). Complainant filed an amended Complaint on April 4, 2026.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (“Policy”), the Rules for Uniform Domain Name Dispute Resolution Policy (“Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (“Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified each identified domain name holder¹ of the Complaint, and the proceedings commenced on April 13, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 3, 2026. Neither submitted any response. Accordingly, the Center notified the default on May 4, 2026.

The Center appointed Debra J. Stanek as the sole panelist in this matter on May 6, 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 an optometric and ophthalmic group that serves patients in the United States. Complainant claims rights in EYECARE PARTERS. In support, it points to:

- Two United States trademark registrations on the Supplemental Register.
- Two pending trademark applications for EYECARE PARTNERS design marks, one of which United States Registration No. 8243373, was registered on May 5, 2026 after the filing of the Complaint (and disclaiming “eyecare partners”).
- Its continuous use since registration of the <eyecare-partners.com> domain name in 2015.
- Current web pages and other recent documents showing the use of EYECARE PARTNERS mark.

The disputed domain names were created on February 11, 2026 (<eyecare-partners.site>) and February 24, 2026 (<eyecarepartner.com>). Both at the time the Complaint was filed and at the time of this Decision, neither resolves to an inactive website.

According to the Complaint, Respondent has used each of the disputed domain names in at least one email address used to correspond with job applicants and in job postings.

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.

In particular:

- Complainant asserts common law trademark rights based on use in commerce since 2015 and subsequent “widespread” use, “substantial investment” in advertising and marketing, and “almost USD 2 billion in annual revenue”.
- Complainant’s use of EYECARE PARTNERS predates registration of each of the disputed domain names.
- Each of the disputed domain names is confusingly similar to Complainant’s EYECARE PARTNERS mark;

¹ Because the Complaint alleged that despite the differences in the registrant and contact information for each of the disputed domain names, each was registered by the same domain name holder, an issue that would not be addressed until this Decision, the Center treated each named registrant as a separate “Respondent”.

- <eyecare-partners.site> differs only by the addition of a hyphen between the two terms.
- <eyecarepartner.com> differs only by deletion of the letter “s” after “partners”.
- Respondent is not associated or affiliated with Complainant and Complainant has not authorized Respondent’s use of the EYECARE PARTNERS mark.
- Respondent is using each of the disputed domain names to pass itself as an employee of Complainant with recruiting responsibilities. Respondent created at least one email address from each of the disputed domain names using the name of an employee of Complainant. Each of those email addresses were used in an email exchange with a third party seeking employment, including soliciting personal information from the third party.
- Respondent provided false contact information to the Registrar. Complainant’s investigation disclosed:
 - As to <eyecare-partners.site>: the telephone number was not registered to the named registrant, the email address was not associated with any individual, company, or other legal entity in the United States, and the street address provided was that of another legal entity.
 - As to <eyecarepartner.com>: the telephone number was not registered to the named registrant, the email address was not associated with any individual, company, or other legal entity in the United States, and the street address provided was a fictitious address that corresponded to that of Complainant except for the state in which it was located.
- Respondent’s use of Complainant’s mark in the disputed domain name and impersonation of Complainant’s employees, among other things, establish Respondent’s bad faith registration and use.
- Each of the disputed domain names was registered within a few days of the other, each registered with the same Registrar using false or fictitious contact information, and each has been used in a similar fraudulent scheme.

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

To prevail under the Policy a complainant must prove, as to the domain names at issue, that: (a) it is identical or confusingly similar to a mark in which the complainant has rights, (b) respondent has no rights or legitimate interests in respect to it, and (c) it has been registered and is being used in bad faith. Policy, paragraph 4(a). A respondent’s failure to respond does not automatically result in a finding for the complainant; the complainant continues to have the burden of establishing each element. Rules, paragraphs 5(f) and 14(a); see also WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”), section 4.3. The Panel may, however, draw appropriate inferences from the default. See Rules, paragraph 14(b).

A. Substantive Matters-Multiple Respondents

The Complaint was filed in relation to two disputed domain names, which the Registrar’s verification response, disclosed were each registered under a different name. Complainant nonetheless alleges that the registrants are the same entity or that the disputed domain names are under common control of a single entity and requests consolidation of the Complaint. Neither named Respondent has responded to that request.

Paragraph 4(f) of the Policy provides that if there are multiple disputes between the same parties, either may petition to consolidate them and the Panel may consolidate the disputes in its sole discretion. Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder. Paragraph 10(e) of the Rules states: “A Panel shall decide a request by a Party to consolidate multiple domain name disputes in accordance with the Policy and these Rules.”

Here, each has a different domain name holder and provides different contact information; the physical and email addresses and telephone numbers for each are not the same or similar. One of the disputed domain names resolves to a Registrar parking page, while the other results in an error message.

Complainant’s uncontradicted evidence, on the other hand, shows that the disputed domain names were registered with the Registrar within a short time of each other and are being used in similar manner, in email addresses impersonating Complainant’s personnel in communications with job applicants. Moreover, Complainant has shown that despite the dissimilarities in specific contact information, in each case, the specifics are either fabricated or false.

Under these circumstances, which take into account the lack of any argument, or indeed any Response, by either named Respondent, the Panel concludes that it is most likely that the disputed domain names are registered by the same, albeit anonymous, domain name holder and that consolidation would not be unfair or inequitable to either party. Accordingly, the Panel, in its discretion, consolidates these disputes.

B. Substantive Matters

1. 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’s showing of rights in respect of a trademark or service mark for the purposes of the Policy is, in the Panel’s view, thin. Complainant’s registrations on the United States Supplemental Register, pending trademark applications, one of which has matured into a registration (which in any case disclaims “eyecare partners”) after the Complaint was filed do not establish rights under the Policy. See [WIPO Overview 3.1](#), section 1.2.2 (supplemental registration does not by itself provide evidence of distinctiveness); section 1.1.4 (pending application does not establish trademark rights).

Similarly, Complainant’s registration of <eyecare-partners.com> in 2015 — without evidence of use — does not establish use of EYECARE PARTNERS as a mark; further, the 2015 date is inconsistent with the 2016 date of first use in the earlier of its trademark registrations on the Supplemental Register. Much of Complainant’s evidence is from printouts of its website taken shortly before the filing of the Complaint. See [WIPO Overview 3.1](#), section 1.3 (a complainant must provide relevant and sufficient examples of evidence of acquired distinctiveness or secondary meaning where an unregistered mark is comprised of descriptive terms).

The Panel’s limited factual research, using the Internet Archive (www.archive.org), see [WIPO Overview 3.1](#), section 4.8, confirmed that Complainant has used EYECARE PARTNERS as more than just a corporate name for a number of years. That, combined with Complainant’s showing and the targeting of Complainant (which included use of Complainant’s design mark in Respondent’s email communications), suggests that “eyecare partners” does serve as a source identifier and a mark for Complainant’s services.

Neither of the two disputed domain names are identical to Complainant’s mark. In the case of the <eyecare-partners.site> domain name, the mark is readily recognizable within the disputed domain name despite the use of a hyphen rather than a space between the two terms making up the mark. Likewise, in the case of <eyecarepartner.com>, the mark is readily recognizable despite elimination of the space between

the two terms and the final “s”. Accordingly, each of the disputed domain names is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

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

2. 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 proceedings under the Policy 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 remains on the complainant). If the respondent fails to come forward with relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.1](#), section 2.1.

The Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain names. 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 names such as those enumerated in the Policy or otherwise. Further, Complainant has provided credible evidence that Respondent used the disputed domain names to pass itself off as an employee of Complainant, apparently in a scheme to elicit personal information from third parties seeking employment. Consistent with determinations by other panels, the Panel finds that this use of the disputed domain names cannot confer rights or legitimate interests on Respondent. [WIPO Overview 3.1](#), section 2.13.1.

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

3. 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.

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.

Complainant’s evidence shows: Complainant’s rights in its EYECARE PARTNERS mark predate registration of each of the disputed domain names. Respondent knew of Complainant and Complainant’s mark. Respondent used an email address incorporating each of the disputed domain name for messages purporting to communicate with third parties about employment opportunities, using a signature block identifying, by name and title, one of Complainant’s employees. It is clear Respondent used the disputed domain names intending that a third party would believe Respondent’s email communications were from Complainant as part of a deceptive scheme. In addition, Respondent has failed to respond in these proceedings. Under these circumstances, the Panel finds Respondent’s registration and use of the disputed domain names constitutes bad faith under the Policy.

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 names <eyecare-partners.site> and <eyecarepartner.com> be transferred to Complainant.

/Debra J. Stanek/

Debra J. Stanek

Sole Panelist

Date: May 15, 2026