

## ADMINISTRATIVE PANEL DECISION

Byoma Limited v. Edward Kinyua  
Case No. D2026-1858

### 1. The Parties

The Complainant is Byoma Limited, United Kingdom, represented by SafeNames Ltd., United Kingdom.

The Respondent is Edward Kinyua, Kenya.

### 2. The Domain Name and Registrar

The disputed domain name <byomaskincare.shop> is registered with Hostinger Operations, UAB (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 30, 2026. On April 30, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 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 (LT) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 1, 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 May 5, 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 May 6, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 26, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 27, 2026.

The Center appointed José de Pierola as the sole panelist in this matter on June 3, 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, founder of the BYOMA brand, is a company established in Scotland focused on skincare science-based products for the face and body for all skin types, and aiming to also enhance the consumer's knowledge with educational tools provided on its corresponding website at the domain name <byoma.com>.

The Complainant has listed evidence to show to be the owner of trade/service marks related to its company name BYOMA, such as:

- United Kingdom registration No. UK00003610176, for BYOMA, in classes 3 and 35, registered on August 6, 2021.
- Australian registration No. 2167020, for BYOMA, in classes 3 and 35, registered on March 29, 2021.
- European Union registration No. 018443892, for BYOMA, in classes 3 and 35, registered on October 14, 2021.

As stated before, the Complainant is the owner of the domain name <byoma.com>, as of March 3, 2016.

The disputed domain name <byomaskincare.shop>, was registered on October 19, 2025.

The Complainant filed evidence that demonstrates that the disputed domain name has been used in the past to offer the Complainant's skincare products, using the trade/service mark BYOMA and images extracted from the Complainant's own website at the domain name <byoma.com>. Currently, the disputed domain name does not resolve to an active website.

#### **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.

Specifically, the Complainant argues that the Respondent registered and utilized the disputed domain name in bad faith, intentionally mimicking the Complainant to secure an unfair commercial advantage.

##### **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 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 (namely “skincare” and “shop”) 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 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.

Since the Complainant is a company specialized in skincare, the addition of the term “skincare” in the disputed domain name falsely suggests an official connection or association with the Complainant, creating a misleading impression that the disputed domain name is affiliated with or endorsed by the Complainant. Since the Complainant also commercializes the BYOMA products online, the Top-Level Domain “shop” further reinforces this false impression by leading consumers to believe that the disputed domain name constitutes an official online store of the Complainant.

Panels have held that the use of a domain name for illegitimate activity (copycat sites/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:

- (i) Has used the disputed domain name to sell the Complainant’s products, using the BYOMA brand without authorization and with imagery taken from the Complainant’s website.

(ii) Created a likelihood of confusion with the Complainant's website/brand in an attempt to attract consumers for commercial gain.

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 illegitimate activity (copycat sites/passing off) constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

Currently, the disputed domain name does not resolve to an active website. Panels have found that the non-use of a domain name (including a blank 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 distinctiveness or reputation of the Complainant's trademark, the composition of the disputed domain name, and the prior use of the disputed domain name to impersonate the Complainant by passing off as an official online presence of the Complainant, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

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 <byomaskincare.shop> be transferred to the Complainant.

*/José de Pierola/*

**José de Pierola**

Sole Panelist

Date: June 10, 2026