

## **ADMINISTRATIVE PANEL DECISION**

Westel Beheer B.V. v. DomainMarket.com, Domain Administrator  
Case No. D2026-1931

### **1. The Parties**

The Complainant is Westel Beheer B.V., Netherlands (Kingdom of the), represented by Winger Trademarks BV, Belgium.

The Respondent is DomainMarket.com, Domain Administrator, United States of America ("United States"), represented by Brian H. Leventhal, Attorney at Law, P.C., United States.

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

The disputed domain name <mediceuticals.com> is registered with eNom, LLC (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 5, 2026. On this day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from the named Respondent (Unknown at this time) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 6, 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 7, 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 8, 2026. In accordance with the Rules, paragraph 5(a), the original due date for Response was May 28, 2026. In accordance with the Rules, paragraph 5(b), the due date for Response was extended to June 1, 2026, as requested by the Respondent. The Response was filed with the Center on June 2, 2026.

The Center appointed Matthew Kennedy as the sole panelist in this matter on June 8, 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

Mediceutical Laboratories LP (“MLLP”) is a New Jersey limited partnership that holds United States trademark registration number 0932375 for MEDICEUTICALS, registered on April 11, 1972 in respect of hair shampoos, with a claim of first use in commerce on September 11, 1969. MLLP acquired this registration by an assignment effective May 28, 2017, recorded in the United States principal trademark register on March 29, 2022. The United States Patent and Trademark Office (“USPTO”) trademark database indicates that MLLP is composed of a general partner and two limited partners, one of which is the Complainant.

The Complainant is a Dutch company that develops and distributes scalp and hair care solutions. The Complainant holds International trademark registration number 1661918 for MEDICEUTICALS, registered on April 8, 2022, designating multiple jurisdictions, including the European Union, and specifying products including skin and hair care products and scalp care products.

The domain names <mediceuticals.eu> (registered on February 16, 2010) and <mediceuticalsusa.com> (registered on September 26, 2016) are used in connection with a website in English and Dutch that provides information about MEDICEUTICALS products. According to that site, “Mediceuticals treatments have been used for decades by many professionals in the United States. Mediceuticals was launched in Europe in October 2010. Due to the demand, the European market has grown extensively. Mediceuticals is currently available on the following continents: North America, Europe, Asia, Oceania and Africa.”

The Respondent states that it is in the business of creating, buying and selling domain names comprised of descriptive, geographic, and generic terms, common phrases, acronyms, abbreviations, and combinations thereof as well as other brandable names suitable for a variety of potential uses. It sells over 1,000 domain names per year, which it offers for sale through a marketplace website associated with the domain name <DomainMarket.com>. It is owned by Michael Mann.

The disputed domain name was initially registered on November 25, 1999 and, according to the Response, acquired by the Respondent on May 9, 2011. According to archived screenshots presented by the Complainant, as early as July 3, 2012 the disputed domain name redirected to a webpage titled “MikeMann.com” that displayed links to DomainMarket.com and websites for other companies (including one for a provider of Pay-Per-Click (“PPC”) advertising), non-profits, and books by Mike Mann. The webpage advised that the disputed domain name was for sale. Since a later point in time, the disputed domain name resolved to a landing page on the DomainMarket.com website where it was offered for sale. As at August 1, 2015, the asking price was USD 20,000.

On October 16, 2024, in response to an expression of interest in the disputed domain name made via DomainMarket.com, a broker quoted to the Complainant an asking price in USD of six figures. On the following day, the Complainant asked if that price was negotiable. On the same day, the broker offered a discounted price if the Complainant bought the disputed domain name within seven business days. On October 21, 2024, the Complainant claimed that it had been the owner of the MEDICEUTICALS trademark since 1964 and asked why it would have to pay that price for a domain name that was rightfully its own. On the same day, the broker invited an offer. On October 23, 2024, the Complainant offered USD 5,000. On the same day, the broker relayed a final price from the seller of six figures in USD.

As at July 13, 2025, the disputed domain name continued to resolve to a landing page on the DomainMarket.com website. The asking price was USD 594,888, beneath which there was a button to “Buy Now”. The landing page included the following text: “Mediceuticals.com pairs the worlds of medicine and food, making it perfect for ventures in health food, supplements, or organic living. Its trustworthy and memorable nature positions your brand as a leader. This distinctive domain holds immense value in today’s

booming wellness market.” At the time of this Decision, the disputed domain name resolves to a landing page on a broker’s website where it is offered for sale with no asking price indicated.

## **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.

The Complainant contends that the disputed domain name is identical to its registered and unregistered trademark rights for MEDICEUTICALS. Due to the long and intensive use of the mark MEDICEUTICALS since 1970, the brand enjoys a reputation in the world of special hair care. With a dedicated team of specialists and a network of partners in at least Europe and the United States, the brand has been successfully active in various countries over at least 30 years and has acquired substantial goodwill and recognition in the marketplace.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The disputed domain name has not been used to host any significant content, only featuring automatically generated PPC links or referral pages. The Complainant has not licensed or otherwise permitted the Respondent – or any other party for that matter – to use any of its trademarks or to apply for or use any domain name incorporating its marks. MEDICEUTICALS can be considered to be an invented word, and as such it is not a name that people would legitimately choose unless seeking to create an association with the Complainant.

The disputed domain name was registered and is being used in bad faith. It was registered in 1999, well after the Complainant started using and registering the name (by all accounts in 1970). The first United States trademark application for MEDICEUTICALS was filed in 1969. There have been practically no changes in the use of the disputed domain name through the years; in general, it has resolved to a “for sale” webpage or no webpage at all. Also, the MEDICEUTICALS trademark was in use for a long time before the disputed domain name was registered. The Respondent registered the disputed domain name in full knowledge of the Complainant’s trademark rights and with the intention of taking advantage of such rights. The disputed domain name does not resolve to an active website or any other online presence but is simply being offered for sale for a ridiculous amount. The final asking price (USD 148,000) is still well in excess of out-of-pocket costs necessary to register the disputed domain name. Given the Complainant’s numerous trademark registrations for MEDICEUTICALS, and its wide reputation in the field of hair and scalp care products, it is not possible to conceive of a plausible circumstance in which the Respondent could legitimately use the disputed domain name. Passive use of a domain name is a clear contributing factor to characterize bad faith registration and use.

### **B. Respondent**

The Respondent contends that the Complainant has not satisfied all the elements required under the Policy for a transfer of the disputed domain name.

While the Respondent concedes that the portion of the disputed domain name that precedes the Top-Level Domain (“TLD”) extension is identical to a trademark allegedly held by the Complainant, the Respondent’s registration of the disputed domain name predates the Complainant’s trademark registration by 11 years.

The Respondent has a legitimate interest in respect of the disputed domain name. The Respondent registered the disputed domain name in connection with its legitimate business of reselling premium domain names, which is a bona fide offering of goods and services. The Respondent acquired the disputed domain name because the term “mediceutical” is a natural combination of words (“medicine/medical” and “pharmaceutical”) connected to very large industries with numerous potential uses, not because it had anything to do with the Complainant or any existing brand or product. The fact that the disputed domain

name represents an “invented” combination of terms rather than a single generic word is irrelevant. Target and Alibaba on their websites consider the term “mediceutical” to be a descriptive category term. The Respondent does not use any PPC links or other advertisements relating to the Complainant, its products, or its competitors, nor otherwise target the Complainant.

The Respondent did not register, nor has it ever used, the disputed domain name in bad faith. The Respondent registered the disputed domain name 11 years prior to the earliest possible date when the Complainant acquired rights in the MEDICEUTICALS mark. The United States trademark registration is not owned by the Complainant but by MLLP, only since 2022. The Complainant fails to provide any evidence to support its claims regarding its history, success, reputation in the world of special hair care, and acquired goodwill and recognition in the marketplace. The International trademark registration was only issued in 2022. Neither trademark can serve as a basis to find that the Respondent registered the disputed domain name in bad faith. Further, under the New Jersey Uniform Limited Partnership Law, all rights in the United States trademark registration belong exclusively to the partnership. The Complainant has no right or power to assert any such rights in the present action. The Complainant has produced no evidence of an assignment, an exclusive license, or express authorization from the general partner of MLLP to initiate this specific UDRP action. Moreover, the Respondent has not engaged in any of the behaviors associated with the bad faith use or registration of the disputed domain name listed in paragraph 4(b) of the Policy. The Respondent registered the disputed domain name in order to sell it in the ordinary course of its legitimate business in good faith and without any knowledge of the Complainant’s existence. It did so because it was a natural combination of two generic and descriptive words associated with massive industries. The Respondent has bought and sold hundreds of similar combination domain names over the past 20 years, including <PharmaceuticalMed.com>, <NutraCeutico.com>, <NutraceuticalSolutions.com>, <MedTherapeutic.com>, <Scienceuticals.com>, <Alphaceuticals.com>, <biopharmaceutic.com>, <medicalpharmaceutical.com>, <medinatura.com>, <mediphararmacy.com>, and <PharmaNutra.com>. At the time when the Respondent registered the disputed domain name, the only trademark in existence was for the narrow field of “hair shampoo”. The Complainant offers no proof that that mark was famous or sufficiently known to the general public to create an immediate association with the-then owner of the United States trademark registration at the time when the Respondent registered the disputed domain name. All the Complainant’s arguments about the Respondent, its knowledge, and its intentions are pure conjecture rather than actual evidence of bad faith. They also happen to be objectively false. The Complainant first contacted the Respondent regarding a sale of the disputed domain name, not the other way round. The Complainant did not allege trademark infringement but eventually used its claim of trademark rights to negotiate a lower price. The mere offering of a domain name for sale does not establish that it was registered for the purpose of targeting the Complainant or its competitors. Unless a complainant can provide specific proof that a domain name was not acquired because of its generic or descriptive nature as part of a respondent’s bona fide business, there is no bad faith.

The Complaint and facts establish that after deciding for 15 years not to challenge the Respondent’s legitimate ownership of the disputed domain name and having decided the price to purchase it was unacceptable, the Complainant now seeks to take it from its rightful owner through an abuse of the UDRP process.

## **6. Discussion and Findings**

### **6.1 Preliminary Issue: Late Filing of the Response**

The Response was filed on June 2, 2026, on the morning after the due date, as extended. However, the Respondent submits that the delay in filing was nominal and did not prejudice the Complainant. The Complainant did not comment.

Paragraph 10 of the Rules requires the Panel (a) to conduct the administrative proceeding in such a manner as it considers appropriate in accordance with the Policy and Rules; (b) to ensure that each Party is given a fair opportunity to present its case; and (c) to ensure that the administrative proceeding takes place with due

expedition. The Panel may, at the request of a Party or on its own motion, extend, in exceptional cases, a period of time fixed by the Rules or by the Panel.

In the present case, the Panel notes that the Response is the only submission from the Respondent and it contains information regarding the Respondent's acquisition and use of the disputed domain name, which are issues fundamental to the dispute. Further, the Response was submitted prior to the appointment of the Panel and its admission will not delay the proceedings. The delay in filing the Response was brief and does not cause any prejudice to the Complainant. In these circumstances, the Panel will exercise its discretion to accept the late Response.

## **6.2 Substantive Issues**

Paragraph 4(a) of the Policy provides that a complainant must prove each of the following elements with respect to the disputed domain name:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (ii) the respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The burden of proof of each element is borne by the Complainant. Failure to prove any one element will result in denial of the Complaint.

### **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. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

By virtue of its International registration, the Complainant has shown rights in respect of the MEDICEUTICALS trademark for the purposes of the Policy. See [WIPO Overview 3.1](#), section 1.2.1.

The Complainant also seeks to rely on a United States trademark registration for MEDICEUTICALS owned by MLLP, a limited partnership. However, the Complainant is neither the registered proprietor nor an exclusive licensee of this mark. While the Complainant is evidently a limited partner of MLLP, it does not show that it holds any rights in specific assets of MLLP. The Complainant is not the general partner of MLLP and does not claim to have any authorization or consent from MLLP to bring this Complaint. Accordingly, the Panel does not find that the Complainant has shown, by virtue of MLLP's United States registration, any rights in respect of the MEDICEUTICALS trademark for the purposes of the Policy.

The Complainant mentions unregistered rights in a MEDICEUTICALS mark. However, while the Complainant asserts that the MEDICEUTICALS mark has been the subject of long and intensive use since 1970, that the brand enjoys a reputation in the world of special hair care, and that the brand has acquired substantial goodwill and recognition in the marketplace, it does not substantiate any such assertion. It does not demonstrate that the mark has become a distinctive identifier that consumers associate with the Complainant or its products. Accordingly, the Panel finds the Complainant has not established unregistered trademark or service mark rights for the purposes of the Policy. See [WIPO Overview 3.1](#), section 1.3.

The Panel will undertake its assessment of identity or confusing similarity on the basis of the Complainant's International trademark registration for MEDICEUTICALS. The entirety of the mark is reproduced within the disputed domain name. The only additional component is a generic TLD extension (".com") which, as a standard requirement of domain name registration, may be disregarded in this assessment for the purposes

of the Policy. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. See [WIPO Overview 3.1](#), sections 1.7 and 1.11.1.

Therefore, the Panel finds the first element of the Policy has been established.

## **B. Rights or Legitimate Interests**

Given the Panel's findings in Section 6.2C below regarding the third element of paragraph 4(a) of the Policy, it is unnecessary to consider the second element.

## **C. Registered and Used in Bad Faith**

The Panel notes that the third element of paragraph 4(a) of the Policy contains two requirements that apply conjunctively. A complainant must show both that the disputed domain name has been registered in bad faith and also that it is being used in bad faith. The former requires a demonstration that the Respondent knew, or should have known, of the Complainant and/or the Complainant's trademark at the time when it registered or acquired the disputed domain name and that it registered the disputed domain name with a bad faith intention targeting the Complainant and/or its mark.

In the present case, the Complainant acquired its trademark rights in MEDICEUTICALS in 2022, eleven years after the Respondent acquired the disputed domain name in 2011. Where a respondent registers a domain name before a complainant's trademark rights accrue, UDRP panels will not normally find bad faith on the part of the respondent. See [WIPO Overview 3.0](#), section 3.8.1.

The Panel sees no exceptional circumstances that might establish that the Respondent's intent in registering the disputed domain name was to unfairly capitalize on the Complainant's nascent, as yet unregistered, trademark rights. See [WIPO Overview 3.0](#), section 3.8.2. There is no evidence on the record of prior use of the Complainant's mark. The position would be the same even if the Panel were to take into account MLLP's United States trademark registration on the basis of some implied license to the Complainant as a related party. The Complainant also argues that "mediceuticals", as an invented word, must have been chosen to create an association with itself. However, the Respondent denies any prior knowledge of the Complainant's existence. It submits that it acquired the disputed domain name because the term "mediceutical" is a combination of the prefix "medi" (as in "medicine/medical") and the suffix "ceutical" (as in "pharmaceutical") and is connected to very large industries with numerous potential uses. The Respondent provides some evidence of use of the combined term in the plural (as in the disputed domain name and in the mark) by two major retail websites to describe categories of health products and herbal supplements, respectively, without any association with the Complainant. In view of all these circumstances, including the lack of evidence of prior use of the mark, the Panel cannot conclude on the balance of probabilities that the Respondent knew, or should have known, of any rights in a MEDICEUTICALS mark in 2011.

The Panel takes note that the Parties unsuccessfully conducted a price negotiation for the disputed domain name in 2024 during the course of which the Complainant's identity was revealed. However, no circumstances have been drawn to the Panel's attention from which the inference could be drawn that the Respondent was targeting the Complainant at the time of registration of the disputed domain name 13 years earlier. Moreover, generally speaking, prior UDRP panels have found that the practice as such of registering a domain name for subsequent resale (including for a profit) would not by itself support a claim that the respondent registered the domain name in bad faith with the primary purpose of selling to a trademark owner (or its competitor). See [WIPO Overview 3.0](#), section 3.1.1.

Accordingly, the Panel does not find that the Respondent registered the disputed domain name in bad faith targeting the Complainant or its trademark rights.

Therefore, the Panel finds the third element of the Policy has not been established.

#### **D. Reverse Domain Name Hijacking**

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the complaint is not, on its own, sufficient to constitute reverse domain name hijacking. See [WIPO Overview 3.1](#), section 4.16.

The Respondent submits that the Complaint is an abuse of the UDRP process. It alleges that the Complainant delayed bringing its claim for 15 years, but the Complainant has not shown that it held rights in a relevant trademark until four years ago. In any case, mere delay does not amount to a waiver of rights under the Policy. Further, given the nature of the mark in particular, the lack of sufficient supporting evidence in this case does not imply that the Complaint was brought in bad faith.

Therefore, the Panel does not find that the Complaint has been brought in bad faith or that it constitutes an attempt at Reverse Domain Name Hijacking.

#### **7. Decision**

For the foregoing reasons, the Complaint is denied.

*/Matthew Kennedy/*

**Matthew Kennedy**

Sole Panelist

Date: June 15, 2026