ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

Bausch & Lomb Incorporated v. Clark Hannah Katie
Case No. D2026-2771

1. The Parties

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

Respondent is Clark Hannah Katie, United States.

2. The Domain Name and Registrar

The disputed domain name <preservisionareds2.com> is registered with Realtime Register B.V. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 24, 2026. On June 25, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 29, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to Complainant on June 29, 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 July 2, 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 July 2, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 22, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on July 23, 2026.

The Center appointed Timothy D. Casey as the sole panelist in this matter on July 30, 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 markets and sells a line of eye vitamin products designed for individuals diagnosed with moderate to advance age-related macular degeneration. Since the launch of the products in 2001, Complainant has advertised and promoted its products using the trademarks PRESERVISION and PRESERVISION (Design), along with other trademarks associated with Complainant's overall brand name and logo designs for packaging of the products, Complainant is the owner of a trademark registrations in the United States (the "PRESERVISION Marks") as follows:

Mark	Jurisdiction	Class(es)	Registration No.	Registration Date
PRESERVISION	United States	5	2,696,725	March 11, 2003
PRESERVISION	United States	35	4,818,033	September 22, 2015
PRESERVISION (Design)	United States	5	7,138,985	August 15, 2023

Complainant sells the PRESERVISION AREDS eye vitamins through retailers and through its "www. presevision.com" website and related websites.

The disputed domain name was registered May 21, 2026. At the time of the filing of the Complaint, the disputed domain name resolved to a website advertising PRESERVISION AREDS2 eye vitamins.

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.

Notably, Complainant contends that it has rights in the PRESERVISION Marks, as evidenced herein and that the disputed domain name is identical to or confusingly similar to the PRESERVISION Marks because the disputed domain name includes the entirety of the PRESERVISION Marks and merely adds the term "areds2", which does not prevent a finding of confusing similarity. AREDS2 is a trademark owned by a third party that is not a party to this proceeding but has consented to Complainant's filing of the Complaint.

Complainant contends that Respondent has no rights or legitimate interests in the disputed domain name because Respondent is not named, and has never been commonly known as, PRESERVISION AREDS2, and has not, and has never been, a licensee of Complainant, nor has Respondent been authorized by Complainant to register or use the PRESERVISION Marks or to apply for or use any domain name incorporating the PRESERVISION Marks. Complainant contends that Respondent is not using the disputed domain name with a bona fide offering of goods or services, or in a legitimate noncommercial or fair use manner because Respondent is using the disputed domain name to direct Internet traffic to a "copycat" website using Complainant's trademarks and copyrights to pass itself off as Complainant's official website, and that Respondent is using its website to sell counterfeit products and/or to collect financial information from online shoppers visiting the website.

Complainant contends the disputed domain name was registered and was used in bad faith because Respondent must have been aware of the PRESERVISION Marks at the time of registration of the disputed domain name. Complainant further contends that Respondent's inclusion of the third-party trademark AREDS2 in the disputed domain name, coupled with the content of Respondent's website, which advertises

Complainant's PRESERVISION-branded eye vitamins and features images copied from Complainant's website, are further evidence of Respondent's bad faith registration and use. Complainant contends Respondent is using the disputed domain name for the purpose of redirecting Internet users from Complainant's website to Respondent's "copycat" website by passing itself off as Complainant in order to sell counterfeit products to unwitting customers and/or to collect their financial information. Complainant points to a complaint filed with the Better Business Bureau related to a business operated as the same address as that provided in Respondent's registration of the disputed domain name as well as a newspaper article identifying the same address as a warehouse selling counterfeit goods. Complainant further contends that Respondent has demonstrated a pattern of conduct indicative of bad faith registration and use by virtue of also being the named respondent in *Bausch & Lomb Incorporated v. Clark Hannah Katie*, WIPO Case No. D2026-2030.

B. Respondent

Respondent 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 of WIPO Panel Views on Select UDRP Questions ("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.

Although the addition of other term here, "ared2", may bear on assessment of the second and third elements, the Panel finds the addition of such term 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 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 illegitimate or illegal activities here, the claimed sale of counterfeit goods and operation of a copycat site 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 Respondent appears to be operating a copycat website that intentionally attempts to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the PRESERVISION Marks. Complainant further contends that Respondent's website is selling counterfeit goods in competition with Complainant and is infringing on Complainant's trademark and copyright rights, which Respondent does not refute.

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 or illegal activities here, the claimed sale of counterfeit goods and operation of a copycat site constitute 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 constitutes 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 <preservisionareds2.com> be transferred to Complainant.

/Timothy D. Casey/
Timothy D. Casey
Sole Panelist
Date: August 13, 2026