ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Alastin Skincare, Inc. v. MCLEOD GERMAINE JAMIIL
Case No. D2026-2847

1. The Parties

Complainant is Alastin Skincare, Inc., United States of America ("United States"), represented by Com Laude Limited, United Kingdom.

Respondent is MCLEOD GERMAINE JAMIIL, United States.

2. The Domain Name and Registrar

The disputed domain name <alastin.website> is registered with NameSilo, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 30, 2026. On June 30, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 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 (User #afd2823f Privacy, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to Complainant on July 7, 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 9, 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 15, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 4, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on August 9, 2026.

The Center appointed Jeffrey M. Samuels as the sole panelist in this matter on August 11, 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

Founded in 2015, Complainant Alaskin Skincare, Inc. is recognized for its clinically tested skincare products, particularly those formulated to support the skin before and after cosmetic procedures. Complainant's products are physician-prescribed, meaning they are sold through medical professionals, such as dermatologists, plastic surgeons, and medical spas with licensed providers. In 2020, according to Complainant, it was the fastest-growing brand in the United States professional skincare market and Complainant's products have received several awards.

Complainant owns several trademark registrations for marks consisting of, or including, the term ALASTIN. These include United States Registration for ALASTIN No. 7620559 (registration date December 24, 2024); European Union Registration for ALASTIN SKINCARE No. 014901516 (registration date April 15, 2016); and United Kingdom Registration for ALASTIN and device No. UK00004089325 (registration date November 8, 2024). Complainant also owns and operates a website associated with the domain name <alastin.com>.

The disputed domain name was registered on April 10, 2026. The disputed domain name initially resolved to an active website that appeared to offer Complainant's products for sale and closely mirrored Complainant's official website, including use of Complainant's logotype and copyrighted images. At the time of the filing of the Complaint, the disputed domain name did not resolve to an active website. It currently resolves to a "This Store is unavailable" page.

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 the disputed domain name is identical to its ALASTIN mark "as the disputed domain name incorporates the Complainant's ALASTIN mark in its entirety with no additional terms." Complainant notes that the ".website" generic Top-Level Domain in the disputed domain name is a necessary technical element of the domain name system and "is not to be taken into account when comparing the disputed domain name with the Complainant's marks".

Complainant further argues that Respondent has no rights or legitimate interests in the disputed domain name. There is no evidence that Respondent has ever been commonly known by the name ALASTIN and Respondent is not a licensee of Complainant and has not been authorized or otherwise permitted to use Complainant's mark.

Complainant maintains that the earlier active use of the disputed domain name cannot be considered fair use as the disputed domain name creates a risk of implied affiliation with Complainant and that Respondent cannot rely on a claim of fair use as a reseller, distributor or service provider of Complainant's products since it has not been authorized to act in such capacity and the goods previously offered at Respondent's website were likely counterfeit or gray market goods. Further, Complainant adds, Respondent's website contained no prominent disclosure of its lack of relationship with Complainant.

Finally, Complainant asserts that the disputed domain name is not, and was not, being used in connection with a bona fide offering of goods or services. Complainant alleges that Respondent's previous website was intended to deceive Internet users into believing it is connected to Complainant's website. "For completeness, the Complainant observes that the disputed domain name currently does not resolve to an active website, which constitutes passive holding and, as such, it has not been used in connection with a bona fide offering of goods or services."

With respect to the issue of "bad faith" registration and use, Complainant maintains that Respondent, through its earlier use of the disputed domain name with an active website, intentionally sought to attract Internet users for commercial gain by creating a likelihood of confusion with Complainant's mark as to the source or affiliation of its previous website and the products offered therein. Complainant further submits that Respondent registered the disputed domain name with prior knowledge of Complainant's ALASTIN mark to interfere with Complainant's business. Pointing out that the disputed domain name, for all intents and purposes, is identical to Complainant's ALASTIN mark, Complainant contends that the nature of the disputed domain name reinforces the likelihood that Respondent registered the disputed domain name in bad faith.

Focusing on the situation at the time the Complaint was filed, Complainant asserts that the passive holding of the disputed domain name constitutes bad faith. In support of this argument, Complainant notes that its ALASTIN mark has been used for many years prior to registration of the disputed domain name and that Respondent has redacted, or allowed the redaction, of its details from the public WhoIs.

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 ALASTIN mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical 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.

B. 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 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 activity can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1. According to Complainant, the disputed domain name was used in connection with a website at which likely counterfeit and/or gray market goods were offered for sale. It is not necessary for the Panel to make any ultimate determination as to the nature of the goods, as the evidence clearly shows Respondent has attempted to pass itself off as Complainant.

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 case file establishes that Respondent previously used the disputed domain name in connection with a website that offered Complainant's products for sale, displayed copyrighted images of Complainant's products, and that repeatedly referred to the ALASTIN mark. As such, the Panel finds that Respondent registered the disputed domain name primarily for the purpose of disrupting the business of a competitor, within the meaning of paragraph 4(b)(iii) of the Policy, and intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with Complainant's mark, within the meaning of paragraph 4(b)(iv) of the Policy.

As noted above, at the time the Complaint was filed, the disputed domain name did not resolve to an active website. Panels have found that the non-use of a domain name would not by itself prevent a finding of bad faith under the doctrine of passive holding. On 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 that the ALASTIN mark is not an ordinary English dictionary term and search engine results for the term "Alastin" show that the term is consistently associated with Complainant and its business. The Panel further notes that Respondent previously used the disputed domain name for a website at which it attempted to pass itself off as Complainant and did not file a response.

Based on the above, the Panel finds that, in the circumstances of this case, the current passive holding of the disputed domain name does not prevent a finding of 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 <alastin.website> be transferred to the Complainant.

/Jeffrey M. Samuels/
Jeffrey M. Samuels
Sole Panelist
Date: August 21, 2026