ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

Fresha.com SV Ltd v. Saifudheen MS, MAKTAL TECHNOLOGIES PRIVARE LIMITED
Case No. D2026-3847

1. The Parties

The Complainant is Fresha.com SV Ltd, United Kingdom ("UK"), internally represented.

The Respondent is Saifudheen MS, MAKTAL TECHNOLOGIES PRIVARE LIMITED, India, self-represented.

2. The Domain Name and Registrar

The disputed domain name <myfresha.com> 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 August 27, 2026. On August 28, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 31, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 1, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Respondent sent email communications to the Center on September 1 and 2, 2026. The Complainant filed an amended Complaint on September 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 the Respondent of the Complaint, and the proceedings commenced on September 11, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 1, 2026. The Response was filed with the Center on September 21, 2026.

The Center appointed David H. Bernstein as the sole panelist in this matter on October 2, 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.

In its Response, the Respondent, a website designer, claimed that he registered the disputed domain name for a purported client who owns a juice store called Fresha. The Respondent did not, however, provide any evidence showing the linkage between the Respondent and the store, or any evidence showing that the Respondent was in fact engaged by the store owner to acquire that domain name and/or develop a website for the store. The Response also did not contain any certification that the statements in the Response were complete and accurate, as required by the Rules, paragraph 5(c)(viii). On October 20, 2026, the Center issued a Procedural Order to the Parties, requesting that the Respondent submit specific evidence of his relationship to the Fresha store in accordance with paragraphs 10 and 12 of the Rules. The Respondent failed to do so by the deadline of October 25, 2026. On October 28, 2026, the Center emailed the Parties to extend the deadline to respond to the Procedural Order until November 2, 2026, and specifically warned the Respondent that, "[i]f no response is received within this timeframe, the Panel will proceed to render a decision based on the incomplete record before it." The Respondent failed to respond by the extended deadline.

On November 7, 2026, five days after the extended deadline, the Respondent provided some additional evidence to the Center, namely, a "Registration Certificate" from the Government of Kerala Commissionerate of Food Safety that appears to authorize the certificate holder (who is not the Respondent) to operate as a "petty retailer of snacks/tea shops" under the name "Fresha Authentic." The certificate was originally issued on May 15, 2026, and was modified in some unspecified ways on October 31, 2026. Because this evidence was submitted after the extended deadline, and because, as discussed below, it fails to provide the information sought by the Panel, the Panel has declined to consider this evidence (but even if the Panel had considered it, it would not change the Panel's assessment of the evidence or its decision in this case).

4. Factual Background

The Complainant operates Fresha, a global booking and business software platform for the salon, spa, beauty, and wellness industries. The Fresha platform is operational in over 120 countries, including India, though its main markets are in Europe and North America. Its primary domain name is <fresha.com>.

The Complainant owns three trademark registrations for FRESHA: United States of America trademark registration no. 6,066,364 (registered June 2, 2020), UK trademark registration no. UK00003394408 (registered July 12, 2019), and International registration no. 1,489,512 (registered June 20, 2019), which covers the European Union, Australia, New Zealand, Singapore, United States and Canada. The Complainant did not submit any evidence of a trademark registration in India.

The disputed domain name was registered on July 15, 2025. The disputed domain name does not resolve to an active website but instead returns an HTTP 403 error.

In July and August 2026, the Complainant, acting anonymously through GoDaddy's Domain Broker Service, attempted to purchase the disputed domain name. The broker transmitted purchase offers on July 14, July 20, and August 5, 2026, with a final offer of USD 2,000. The Respondent communicated that he was holding onto the domain for a project and only interested in significantly higher offers. On August 12, 2026, the Respondent officially countered for USD 10,000. No agreement was reached.

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.

First, as noted above, the Complainant owns trademark registrations for the trademark "FRESHA" in several jurisdictions. The disputed domain name is confusingly similar to that mark because it incorporates the entire trademark with only the addition of "my" and the generic Top-Level Domain ("gTLD"). These additions are insufficient to render the disputed domain name distinct from the FRESHA mark.

Second, the Complainant alleges that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has not authorized or licensed the use of the FRESHA mark by the Respondent. The Complainant contends that there is no evidence of use or demonstrable preparations to use the disputed domain name for any bona fide offering of goods or services, nor for legitimate noncommercial or fair use.

Third, the Complainant alleges that the disputed domain name was registered in bad faith because the Respondent could only have selected <myfresha.com> to target the FRESHA mark. The Complainant contends that the Respondent registered the disputed domain name to sell it to the Complainant for an excessive amount. In the alternative, the Complainant alleges that the passive holding of the disputed domain name constitutes bad faith use. Finally, the Complainant raises concerns about the "inherent capacity for fraudulent use" of the disputed domain name in hypothetical credential-phishing schemes.

B. Respondent

The Respondent submitted a series of emails that, together, will be treated as an informal Response. As noted above, the Response did not include the certification required by paragraph 5(c)(viii) of the Rules. In the Response, the Respondent states that he runs a website development company in India and contends that the Complainant has not satisfied elements two and three as required under the Policy for a transfer of the disputed domain name.

The Respondent states that he registered the disputed domain name for a purported client who owns a juice store called Fresha – Naruneendi Milk Sarbath, located at New Bus Stand, Kunnamkulam, Kerala 680503, India. He claims that the juice store has been open since at least June 2025 (a fact confirmed by the documentary evidence submitted by the Respondent), one month before the disputed domain name was registered, and that the owner intends to grow its brand by establishing a website using the disputed domain name. The Respondent claims he is assisting his client with the development of this website.

The Respondent claims that he has rights and legitimate interests in the disputed domain name because he acquired the disputed domain name on behalf of his client to develop a website for the Fresha juice shop. The Respondent further claims that his registration of the disputed domain name had nothing to do with the Complainant's FRESHA mark.

The Respondent asserts that his registration and use of the disputed domain name are in good faith. The Respondent says that he did not purchase the disputed domain name with the Complainant in mind. He says that he refused to sell the domain name because it was the domain name that his client wanted to use in connection with his juice store. The lack of an active webpage hosted on the disputed domain name reflects the time taken to develop the website for his client.

Rather than be forced to defend against this Complaint, the Respondent indicated in his Response that he was now willing to sell the disputed domain name to the Complainant for USD 2,000. The Complainant did not accept that offer. Specifically, the Complainant has not sought to suspend these proceedings to discuss a settlement in response to the Respondent's offer and has not notified the Center that it has otherwise accepted the Respondent's offer.

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that, to obtain transfer of a domain name, a complainant must prove each of the following by a preponderance of the evidence:

(i) the domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;

(ii) the respondent has no rights or legitimate interests in respect of the domain name; and

(iii) the respondent's domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has established trademark rights in FRESHA because it owns valid trademark registrations in multiple jurisdictions, including the United States, the United Kingdom, and the countries that fall within the international registration discussed above. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 1.2.1. ("Where the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case.")

The test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview 3.1, section 1.7.

The entirety of the trademark is reproduced within the disputed domain name with the addition of "my" and ".com". The addition of a prefix does not prevent a finding of confusing similarity between the disputed domain name and the trademark. WIPO Overview 3.1, section 1.7; *see also KPMG Int'l Coop. v. Whois Privacy Services, Provided by Domain Protect LLC/Dmitriy Selivanov*, WIPO Case No. D2017-0988 (finding confusing similarity between the mark "KPMG" and "mykpmg.com"); *Coca-Cola Co. v. Net Service Syst Spain S.L., Pablo Blanco Del Rio*, WIPO Case No. D2011-2064 (finding confusing similarity between the mark "Fanta" and "myfanta.com"). The addition of the gTLD ".com" may be disregarded for the purposes of the confusing similarity analysis. WIPO Overview 3.1, section 1.11.

The Panel finds that the Complainant has satisfied the first element of the Policy.

B. Rights or Legitimate Interests

The Complainant bears the burden of proving that the Respondent lacks rights or legitimate interest in the disputed domain name. Once the Complainant makes a prima facie showing on this element, the burden of production shifts to the Respondent to present evidence of rights or legitimate interests. WIPO Overview 3.1, section 2.1. The burden of proof, however, remains on the Complainant, who must prevail by a preponderance of the evidence submitted.

The Complainant made this prima facie showing in its Complaint. Because the disputed domain name does not resolve to an active website and did not otherwise suggest some bona fide use on its face, there was no visible connection between the domain name and a bona fide offering of goods and services or legitimate noncommercial or fair use.

Although the Respondent suggested that he had some affiliation with the Fresha store in India and submitted a Google Maps link showing the existence of a juice shop called FRESHA,[1] he has failed to submit any

[1] As noted above, the Respondent belatedly also submitted a Registration Certificate, but that only shows that the Fresha store is registered; it does not establish any connection between the Respondent and the Fresha store. In different circumstances, the fact that the Respondent was able to access and provide this certificate might suggest such a connection, but since the Panel expressly asked for direct evidence of a connection, the Respondent's failure to provide the requested evidence outweighs the indirect probative value of

credible evidence of his connection to that store. Despite being given two opportunities to supplement the record, the Respondent has not provided any evidence to directly connect himself to the store, to show that the disputed domain name was registered on the store's behalf, to establish that he has in fact been hired as a web designer for the owner of that store, or to prove that he has made demonstrable preparations to develop a website for the store. Given that the Respondent has failed to provide any of this requested evidence, even when given two separate chances to do so, the Panel has no choice but to conclude that the Respondent has failed to rebut the Complainant's prima facie showing that the Respondent lacks rights or legitimate interest in the disputed domain name.

The Panel acknowledges that the Respondent, who is appearing pro se, appears somewhat confused by the proceedings (which is why the Panel expressly invited the Respondent to supplement the record and even gave the Respondent a second chance to do so when the Respondent missed the first deadline). For example, the Respondent's first communication stated: "What is causing others to file myfresha.com? someone asked me to sell their domain for $2000 and I rejected. Now I got this email saying I have a case against this domain. Looks like they are trying to trick us." After the Center explained the basis for the proceeding, the Respondent's communication stated, in part: "Hi, I have been notified by email that we are keeping the domain for making money. Here is what is happening actually. The domain was bought for a client for getting a website done for his business named 'Fresha' which has a fresh drinks shop in their place, Thrissur, Kerala, India." The Panel appreciates that these proceedings may be confusing to an unsophisticated party, but the Respondent claims to be a website designer, so some familiarity with domain names and the rules around domain name disputes would be expected. Moreover, the Center expressly explained the nature of the proceeding and provided links to explanatory information that is available on the Center's website. At the end of the day, this is a proceeding that is governed by rules, and it is the Respondent's obligation to comply with the Rules or engage someone to help the Respondent navigate the Rules. The Respondent's failure to comply with the Rules and to submit the information expressly requested by the Panel is a problem of the Respondent's own making.

Accordingly, the Panel finds that the Complainant has established the second element of the Policy.

C. Registered and Used in Bad Faith

The third element requires the Complainant to prove that the disputed domain name was registered and is being used in bad faith.

Paragraph 4(b) of the Policy provides that the following circumstances, "in particular but without limitation," are evidence of the registration and use of the disputed domain name in bad faith:

(i) circumstances indicating that Respondent has registered or has acquired the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the disputed domain name; or

(ii) that Respondent has registered the disputed domain name in order to prevent the owner of the trademark or service mark from reflecting the service mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or

(iii) that Respondent has registered the disputed domain name primarily for the purpose of disrupting the business of a competitor; or

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the certificate on its own. The certificate also does nothing to show that the Respondent is developing a website for the Fresha store or has made demonstrable preparations towards any such website. For those reasons, even if the Panel were to consider this late-filed evidence, it would not change the Panel's conclusions.

(iv) that by using the disputed domain name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's website or other online location, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on Respondent's website or location.

The Complainant articulates four bases for a finding of bad faith. First, the Complainant alleges that the disputed domain name was registered in bad faith because the Respondent could only have selected <myfresha.com> to target the FRESHA mark. Second, the Complainant contends that the Respondent registered the disputed domain name to sell it to the Complainant for an excessive amount. Third, the Complainant alleges that the Respondent's passive holding of the disputed domain name constitutes bad faith use. Fourth, the Complainant raises concerns about the "inherent capacity for fraudulent use" of the disputed domain name in hypothetical credential-phishing schemes. For the reasons detailed below, the Panel finds that the Complainant has not carried its burden of proving any of these bases by a preponderance of the evidence.

First, the Complainant alleges that the registration of the disputed domain name on July 15, 2025, was necessarily done with the FRESHA mark in mind given the global reach of its brand. However, the Complainant provided no evidence of the reach or popularity of its brand in India, where the Respondent is based. Although the Complainant may have a successful business and may have registrations in a number of countries, the Complainant has not submitted sufficient evidence of its fame or renown in India to support its allegation that the Respondent must have been targeting the Complainant's trademark when it registered the disputed domain name.

The record does establish the existence of a juice store named Fresha in India (even if the record is not sufficient to support the Respondent's connection to that store). The Panel is aware of at least one other registered trademark for the mark FRESHA (U.S. Reg. No. 6,558,160), of two approved applications for the mark FRESHA (U.S. Serial Nos. 99/811,947 and 99/811,937), and of other websites that purport to be for businesses that use the name FRESHA (https://www.happycow.net/reviews/fresha-limassol-398819 and https://fresha.bg/). [2] These facts support a finding that FRESHA is used for the names of other businesses. In light of the Complainant's failure to show that its brand is unique or is so well known in the Respondent's territory that the Respondent likely was targeting the Complainant's mark, coupled with the differences between the disputed domain name and the Complainant's trademark[3] and the evidence the Complainant submitted of the Respondent's initial comments when the Complainant first attempted to purchase the disputed domain name (that he was holding the disputed domain name for a project and was not interested in selling it), the Panel finds that the Complainant has failed to establish that the Respondent likely registered the disputed domain name for the purposes of targeting the Complainant's trademark.

Second, the Complainant contends that the Respondent registered the disputed domain name to sell it to the Complainant for an excessive amount. But, as the Complainant acknowledges, it was the Complainant who initiated contact with the Respondent and it was the Complainant who first broached the idea of purchasing the disputed domain name. Moreover, when approached, the Respondent did not immediately indicate a willingness to sell the disputed domain name; rather, the Respondent said that the disputed domain name was not for sale because the Respondent was holding it for a project. Although some clever cybersquatters may wait for a trademark owner to initiate the discussions and may make statements like that in order to try to avoid a finding of bad faith, on this record, the Panel finds that the Respondent likely was being sincere. Furthermore, although the Respondent eventually indicated that he would accept a higher offer and even agreed in the Response to sell the disputed domain name for USD 2,000 (which is an amount that likely exceeds the registration cost), those facts are not inconsistent with the Respondent's explanation that he registered the disputed domain name for a client. Weighing the full record, with acknowledgement that there

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[2] Section 4.8 of the WIPO Overview 3.1 expressly acknowledges that a panel may consult trademark registries and other public sources in assessing the evidence submitted by the parties.

[3] Although the disputed domain name is confusingly similar to the Complainant's trademark for purposes of establishing standing under the first factor, the addition of the term "my" to the disputed domain name, coupled with the other evidence discussed above, supports a finding that the Respondent likely was not targeting the Complainant when he registered the disputed domain name.

is some ambiguity here, the Panel finds that the Complainant has not adduced sufficient evidence to establish by a preponderance of the evidence that the Respondent likely registered the disputed domain name for the purpose of selling it to the Complainant.

The Complainant's remaining two arguments are more easily dispatched. Its third argument – that the Respondent's passive holding of the disputed domain name constitutes bad faith registration and use – is entirely without merit. A finding of bad faith passive holding requires consideration of a number of factors, including: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's taking active steps to conceal its identity, and (iv) the use of false or inaccurate contact details. WIPO Overview 3.1, section 3.3. Although the Complainant runs a major global booking platform for beauty and wellness, it has not submitted evidence sufficient to show that its FRESHA mark is a ubiquitous brand or household name. The Complainant also provides no evidence that FRESHA is a popular platform in India where the Respondent and his client are located; indeed, the Complainant has not alleged that it owns any trademark registration in India. Although a privacy service was used to conceal the Respondent's identity, the use of privacy services has become standard in the GDPR era, and the Panel notes that the Respondent did not include any false contact information in his domain name registration. *See* WIPO Overview 3.1, section 3.6 ("[T]he use of [privacy and proxy services] without more would not lead to a finding of bad faith."). Finally, although the Respondent has not provided the evidence that the Panel requested, the Respondent has articulated a credible explanation for the registration of the disputed domain name, which is consistent with the evidence that the Complainant itself submitted with respect to how the Respondent responded to the Complainant's efforts to purchase the disputed domain name through a domain name broker.

Fourth, the Complainant's fraudulent use argument also is entirely without merit. The Complainant provides no evidence whatsoever that the disputed domain name, which has been registered for over a year, has been used in credential-phishing attacks. Claims of fraud and misconduct should not be made based on speculation; rather, such assertions should only be made based on evidence. WIPO Overview 3.1, section 3.1 ("complaints alleging the types of conduct described in UDRP paragraph 4(b) should be supported by arguments and available evidence such as dated screenshots of the website to which the disputed domain name resolves or correspondence between the parties"). Here, there is no evidence of phishing attacks required to support this argument. *Cf. NaviStone, Inc. v. tas tas*, No. D2026-3601, slip op. at 5 (WIPO Oct 26, 2026) (finding fraud when the complainant submitted copies of the fraudulent emails sent to customers using the disputed domain name's email address). Of course, should the Respondent use the disputed domain name in the future for fraudulent phishing (and if that evidence was not available to the Complainant at the time of the filing of the Complaint in this proceeding), that would be a materially new fact that would likely support a new UDRP complaint. WIPO Overview 3.1, section 4.18.

The Panel finds the Complainant has not established the third element of the Policy.

7. Decision

For the foregoing reasons, the Complaint is denied.

/David H. Bernstein/
David H. Bernstein
Sole Panelist
Date: November 10, 2026