

ADMINISTRATIVE PANEL DECISION

HydroPeptide, LLC v. AdVibe Pty Ltd, Kamil Gaede
Case No. DAU2025-0037

1. The Parties

The Complainant is HydroPeptide, LLC, United States of America, represented by Eligon IP LLC, United States of America.

The Respondent is AdVibe Pty Ltd, Kamil Gaede Australia.

2. The Domain Name and Registrar

The disputed domain name <hydropeptide.com.au> (“Domain Name”) is registered with Domain Directors Pty Ltd.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 6, 2025. On September 8, 2025, the Center transmitted by email to Domain Directors Pty Ltd. a request for registrar verification in connection with the Domain Name. On September 16, 2025, Domain Directors Pty Ltd. transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on September 19, 2025, 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 September 23, 2025.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the .au Dispute Resolution Policy (the “Policy” or “.auDRP”), the Rules for .au Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .au Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on September 25, 2025. In accordance with the Rules, paragraph 5(a), the due date for Response was October 15, 2025. The Respondent did not submit any formal response. On October 15, 2025, the Center received an email communication from the Respondent. The Center informed the Parties that it would proceed with panel appointment on October 15, 2025.

The Center appointed Nicholas Smith as the sole panelist in this matter on October 20, 2025. 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 is an American company that provides a variety of skincare products and services under the trade mark HYDROPEPTIDE (the “HYDROPEPTIDE Mark”). The Complainant has offered its products and services under the HYDROPEPTIDE Mark since 2005 including through Australia where it offers its products and services through the domain name <hydropeptide.au> (and indeed until May 2025 offered its products and services through the Domain Name itself).

The Complainant is the owner of trade mark registrations in numerous jurisdictions for the HYDROPEPTIDE Mark including Australian trade mark registration no. 1587414 registered from 24 October 2013, for various body care products in class 3.

According to the verification provided by the Registrar, the Domain Name was registered by the Respondent on July 23, 2025. The Domain Name resolves to a website (the “Respondent’s Website”) which purports to offer a variety of personal care and health-related products under the HYDROPEPTIDE Mark.

5. Parties’ Contentions

A. Complainant

The Complainant makes the following contentions:

- (i) that the Domain Name is identical or confusingly similar to the Complainant’s HYDROPEPTIDE Mark;
- (ii) that the Respondent has no rights nor any legitimate interests in respect of the Domain Name; and
- (iii) that the Domain Name has been registered and is subsequently being used in bad faith.

The Complainant is the owner of the HYDROPEPTIDE Mark, having registered this mark in Australia in 2013. The Domain Name is identical to the HYDROPEPTIDE Mark since it wholly reproduces the HYDROPEPTIDE Mark and adds the “.com.au” country code Top-Level Domain (“ccTLD”).

There are no rights or legitimate interests held by the Respondent in respect of the Domain Name. The Respondent is not commonly known as the Domain Name or a name corresponding to the Domain Name. The Respondent has no licence or right to use the Domain Name or the HYDROPEPTIDE Mark and has never been granted any permission by the Complainant for the registration of the Domain Name. The Domain Name is being used to divert customers interested in the Complainant’s products to the Respondent’s Website where the Respondent takes advantage of confusion with the Complainant’s mark to sell related products. Furthermore, the Respondent acquired the Domain Name after the Complainant inadvertently lost access to the Domain Name after using it for over 12 years. As such, the use of the Domain Name for the Respondent’s Website does not generate any rights or legitimate interests in the Domain Name.

The Domain Name was registered and is being used in bad faith. The Domain Name was registered and is being used with the intention of preventing the Complainant from registering the Domain Name, which it used for at least 12 years before inadvertently losing access to it. It is also used for diverting customers from the Complainant for commercial gain. Finally, the Respondent has demonstrated a pattern of bad faith conduct, having been an unsuccessful respondent in another domain name dispute.

B. Respondent

The relevant portion of the Respondent's October 15, 2025, e-mail communication is as follows:

"I acknowledge receipt of the Complaint regarding hydropeptide.com.au.

The domain was registered without any knowledge of the complainant's trademark and without any intention to mislead, profit from, or interfere with their business. I have never contacted the complainant, nor have I ever attempted to sell the domain name.

The registration and any related use were made in good faith."

The Panel notes that no documents were annexed to this communication in support of any of the contentions above.

6. Discussion and Findings

A. Identical or Confusingly Similar

To prove this element, the Complainant must have a name, trade or service mark rights and the Domain Name must be identical or confusingly similar to the Complainant's name, trade or service mark.

The Complainant is the owner of the HYDROPEPTIDE Mark, having registrations for the HYDROPEPTIDE Mark as a trade mark in Australia.

The Domain Name <hydropeptide.com.au> reproduces the HYDROPEPTIDE Mark in its entirety and adds the ccTLD ".com.au". Disregarding the ccTLD as a standard registration requirement, the Panel finds that the Domain Name is identical to the HYDROPEPTIDE Mark. Consequently, the requirement of paragraph 4(a)(i) of the Policy is satisfied.

B. Rights or Legitimate Interests

To succeed on this element, a complainant must make out a prima facie case that the respondent lacks rights or legitimate interests in the domain name. If such a prima facie case is made out, then the burden of production shifts to the respondent to demonstrate rights or legitimate interests in the domain name.

Paragraph 4(c) of the Policy enumerates several ways in which a respondent may demonstrate rights or legitimate interests in a domain name:

"Any of the following circumstances, in particular but without limitation, if found by the Panel to be proved based on its evaluation of all evidence presented, is to be taken to demonstrate your rights or legitimate interests to the domain name for purposes of paragraph 4(a)(ii):

- (i) before any notice to you of the subject matter of the dispute, your bona fide use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with an offering of goods or services (not being the offering of domain names that you have acquired for the purpose of selling, renting or otherwise transferring); or
- (ii) you (as an individual, business, or other organisation) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or
- (iii) you are making legitimate non-commercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the name, trademark or service mark at issue."

The Respondent is not affiliated with the Complainant in any way. It has not been authorized by the Complainant to register or use the Domain Name or to seek the registration of any domain name incorporating the HYDROPEPTIDE Mark or a mark similar to the HYDROPEPTIDE Mark. The Respondent does not submit that it is commonly known by the Domain Name or is making a legitimate noncommercial use of the Domain Name.

Rather the Respondent submits, without evidentiary support, that the Domain Name was registered without any knowledge of the Complainant's HYDROPEPTIDE Mark and without any intention to mislead, profit from, or interfere with its business. The Panel finds this statement implausible as there is no obvious reason, and the Respondent has not provided one, for a party to register a domain name identical to the Complainant's coined HYDROPEPTIDE Mark (and indeed the Domain Name that the Complainant had used since at least 2012 to promote its business in Australia) and then offer personal care products (products offered by the Complainant) from the Respondent's Website, under the Complainant's registered HYDROPEPTIDE Mark. Rather, the Panel accepts the Complainant's submission that the Respondent is using the Domain Name that directly corresponds to its trade mark for a website to exploit the value of the HYDROPEPTIDE Mark held by the Complainant. Such a use is not a bona fide offering of goods and services, see section 2.2.2 of the auDA Overview of Panel Views on Selected auDRP Questions, Second Edition ("auDA auDRP Overview 2.0").

The Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Domain Name. The Respondent has had an opportunity to rebut the presumption that it lacks rights or legitimate interests but has failed to do so. The Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name under paragraph 4(a)(ii) of the Policy.

C. Registered or Subsequently Used in Bad Faith

For the purposes of paragraph 4(a)(iii) of the Policy, the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that the Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to another person, for valuable consideration in excess of its documented out-of-pocket costs directly related to the Domain Name; or
- (ii) the Respondent has registered the Domain Name in order to prevent the owner of the name, trademark or service mark from reflecting the name or mark in a corresponding domain name; or
- (iii) the Respondent has registered the Domain Name primarily for the purpose of disrupting the business or activities of another person; or
- (iv) by using the Domain Name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's name or mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's Website or location or of a product or service on the Respondent's Website or location; or
- (v) if any of the Respondent's representations or warranties as to eligibility or third party rights given on application or renewal are, or subsequently become, false or misleading in any manner.

The Panel notes that the Policy only requires that a complainant show that a respondent registered or subsequently used the disputed domain name in bad faith. However, in the interest of completeness the Panel has considered both whether the Domain Name has been registered and used in bad faith.

The Panel, for the reasons set out in section 6.B above, finds that the Respondent was aware of the Complainant at the time the Domain Name was registered. The registration of the Domain Name in awareness of the Complainant and its rights in the HYDROPEPTIDE Mark and in the absence of rights or legitimate interests on the part of the Respondent amounts to registration in bad faith.

The Domain Name, which is identical to the Complainant's coined HYDROPEPTIDE Mark, has been used by the Respondent to resolve to the Respondent's Website, where it offers personal care products (under the Complainant's registered HYDROPEPTIDE Mark) in competition with the Complainant's personal care products. Consequently, the Respondent registered and is using the Domain Name to intentionally attempt to attract, for commercial gain, Internet users to a website, by creating a likelihood of confusion with the HYDROPEPTIDE Mark as to the source, sponsorship, affiliation or endorsement of its website.

Accordingly, the Panel finds that the Respondent has registered and is using the Domain Name in bad faith under paragraph 4(a)(iii) of the Policy.

7. Decision

For all the foregoing reasons, in accordance with Paragraphs 4(j) of the Policy and 15 of the Rules, the Panel orders that the Domain Name, <hydropeptide.com.au>, be transferred to the Complainant.

/Nicholas Smith/

Nicholas Smith

Sole Panelist

Date: October 30, 2025