

ADMINISTRATIVE PANEL DECISION

SomaLogic Operating Co. v. Edwards James
Case No. D2022-2902

1. The Parties

The Complainant is SomaLogic Operating Co., United States of America (“United States” or “U.S.”), represented by Reed Smith LLP, United States.

The Respondent is Edwards James, United States.

2. The Domain Name and Registrar

The Disputed Domain Name <somaioic.com> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 5, 2022. On August 8, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On August 8, 2022, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details for the Disputed Domain Name. In response to a notification by the Center that the Complaint was administratively deficient, the Complainant filed an amended Complaint on August 16, 2022.

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 August 16, 2022. In accordance with the Rules, paragraph 5, the due date for Response was September 5, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 6, 2022.

The Center appointed Martin Schwimmer as the sole panelist in this matter on September 13, 2022. 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 provides protein biomarker discovery and clinical diagnostics under the trademark SOMALOGIC. The Complainant has several trademarks registered in multiple jurisdictions, such as United States trademark registration no. 3387016, SOMALOGIC, registered on February 19, 2008.

The Respondent registered the Disputed Domain Name on June 23, 2022. The Disputed Domain Name does not resolve to a website.

5. Parties' Contentions

A. Complainant

The Complainant owns and uses the SOMALOGIC trademark in connection with a range of life sciences good and services, such as the provision of reagents, assays, and test panels.

The Disputed Domain Name is a typosquatting version of the Complainant's trademark, intended to appear identical and confuse Internet users.

The Respondent registered a typosquatted version of the name of one of the Complainant's vendors on June 16, 2022, in order to fraudulently, and successfully, divert a payment of USD 165,000 from the Complainant to the Respondent. A few days later, the Respondent registered the Disputed Domain Name with purposes that likewise appear to be improper and fraudulently motivated.

The Complainant has brought a legal proceeding against the Respondent in regards to the above-mentioned diverted payment.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

For this Complaint to succeed in relation to the Disputed Domain Name the Complainant must prove that:

- (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.

A. Identical or Confusingly Similar

The Complainant has documented its ownership of various U.S. trademark registrations for the SOMALOGIC mark, covering life science research and development services, as well as development testing services. The Complainant has also demonstrated its use of their trademark at its website at the domain name <somalologic.com>.

The “somaioic” string in the Disputed Domain Name is identical to the Complainant’s trademark, but for the substitution of the letter “I” for the letter “L”. When rendered with initial capitalization and capitalization of the “I”, the string will appear in the Disputed Domain Name as the Complainant’s domain name, <somalologic.com>, thus identical to the manner in which the Complainant renders its trading name, SomaLogic.

As such, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant’s trademark.

B. Rights or Legitimate Interests

The Complainant asserts that it has never assigned, granted, licensed, sold, transferred, or in any authorized the Respondent to register or use the SOMALOGIC trademark in any manner. It asserts that the Respondent is not commonly known by the SomaLogic name, and that given that the Disputed Domain Name is not used in connection with an active website, the Respondent is not making fair use nor any other bona fide use of the Disputed Domain Name.

Furthermore, as discussed further below, the Respondent’s use of the Disputed Domain Name in connection with some type of alleged fraudulent scheme, similar to one situation raised by the Complainant in which the Respondent defrauded the Complainant, is clearly not a bona fide offering of goods or services.

The Complainant has made a prima facie case showing under paragraph 4(a)(ii) of the Policy, paragraph 4(c), thus shifting the burden of production to the Respondent to come forward with evidence of rights or legitimate interests in the Disputed Domain Names. The Respondent has not submitted a response to the Complaint or otherwise, in the absence of which the Panel may accept all reasonable inferences and allegations in the Complaint as true.

Accordingly, the Panel finds the Complainant has satisfied the requirements of paragraph 4(a)(ii) of the Policy and that that the Respondent does not have any rights or legitimate interests in respect of the Disputed Domain Name.

C. Registered and Used in Bad Faith

As noted above, the Disputed Domain Name is confusingly similar to the Complainant’s trademark. Because neither “somaioic” nor “ioic” are recognizable or easily pronounceable words, it appears that the Respondent has intentionally chosen the name in order to “typosquat” on the Complainant’s distinctive trademark.

The Complainant further asserts that the Respondent has previously registered a typosquatted domain name of one of its vendors. The Complainant further asserts that the Respondent’s used this deceptive domain name to engineer a payment diversion from the Complainant to the Respondent. The Complainant advises that it has commenced legal proceedings against the Respondent for this matter.

None of these allegations are documented in detail, nor is the relationship of the Disputed Domain Name to the stated fraud clearly explained. However, there is no plausible alternate explanation of the Respondent’s registration of the Disputed Domain Name. The Respondent’s failure to respond allows the Panel to make negative inferences against the Respondent. Its registration of a confusingly similar variation of the Complainant’s distinctive mark, coupled with uncontested assertions of the Respondent’s bad faith use,

leads the Panel to conclude that the Respondent registered and used the Disputed Domain Name in bad faith.

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, <somaioic.com> be transferred to the Complainant.

/Martin Schwimmer/

Martin Schwimmer

Sole Panelist

Date: November 10, 2022