

ADMINISTRATIVE PANEL DECISION

SIGA Technologies, Inc. v. Name Redacted

Case No. D2022-4417

1. The Parties

The Complainant is SIGA Technologies, Inc., United States of America (“United States”), represented by Dorsey & Whitney, LLP, United States.

The Respondent is Name Redacted.¹

2. The Domain Name and Registrar

The disputed domain name <sigainc.com> (the “Disputed Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 18, 2022. On November 21, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On November 21, 2023, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 22, 2022 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 November 22, 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”).

¹ The Respondent appears to have used the name and contact details of a third party when registering the Disputed Domain Name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this Decision an instruction to the Registrar regarding transfer of the Disputed Domain Name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding and has indicated that Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *ASOS plc. v. Name Redacted*, WIPO Case No. [D2017-1520](#). All references in this decision to “Respondent” are references to the unknown underlying registrant of the Disputed Domain Name.

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on November 25, 2022. In accordance with the Rules, paragraph 5, the due date for Response was December 15, 2022. On December 7, 13, 20, and 22, 2022, a third party contacted the Center regarding the claimed unauthorized use of its identity and contact details in relation to the Disputed Domain Name. The Respondent did not submit any response. Accordingly, the Center proceeded to panel appointment on December 21, 2022.

The Center appointed Lynda M. Braun as the sole panelist in this matter on January 3, 2023. 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 1995, the Complainant is a pharmaceutical company focused on providing solutions for unmet needs in the health security market that comprises medical countermeasures against chemical, biological, radiological, and nuclear threats, as well as emerging infectious diseases.

The Complainant operates its business, and advertises and sells its products, under the SIGA word mark and SIGA design mark, and has used and registered the trademarks in connection with its pharmaceutical products and services in numerous jurisdictions worldwide. The Complainant has used the SIGA word mark in connection with its pharmaceutical products and services since at least as early as 2007, and the SIGA design mark since at least as early as 2009.

The Complainant owns a vast portfolio of its SIGA word and design marks worldwide, including trademark registrations in Argentina, Australia, Brazil, Canada, China, the European Union, Hong Kong, China, India, Israel, Japan, Pakistan, Republic of Korea, Russian Federation, Singapore, South Africa, Taiwan, Province of China, United Kingdom, and the United States. Specifically, the Complainant owns several of the following trademarks: SIGA, United States Trademark Registration No. 3,729,965, registered on December 22, 2009; SIGA, United States Trademark Registration No. 3,703,521, registered on October 27, 2009; and SIGA, European Union Trade Mark No. 6780811, registered on November 3, 2008 (hereinafter collectively referred to as the "SIGA Mark".)

The Complainant also actively promotes and advertises its pharmaceutical products and services on its website at "www.siga.com".

The Disputed Domain Name was registered on November 7, 2022 and redirects to the Complainant's official website. The Respondent used the Disputed Domain Name to create email addresses to deceive the public into thinking that the emails incorporating the Disputed Domain Name belonged to the Complainant. For example, the Respondent attempted to impersonate one of the Complainant's employees to take advantage of the Complainant's business account with Apple, Inc. in an attempt to generate revenue for itself and perpetuate a phishing scheme.

5. Parties' Contentions

A. Complainant

The following are the Complainant's contentions:

- the Disputed Domain Name is confusingly similar to the Complainant's SIGA Mark;
- the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and

- the Disputed Domain Name was registered and is being used in bad faith.

The Complainant seeks the transfer of the Disputed Domain Name from the Respondent to the Complainant in accordance with paragraph 4(i) of the Policy.

B. Respondent

The Respondent did not reply to the Complainant's contentions. However, a third party confirmed that they do not own or control the Disputed Domain Name and has not authorized the use of its name or address as registrant of the Disputed Domain Name. In addition, they indicated that it appears that the real domain name registrant has misappropriated their contact information to hide his/her true identity and may be using their name to further its fraudulent activities.

6. Discussion and Findings

In order for the Complainant to prevail and have the Disputed Domain Name transferred to the Complainant, the Complainant must prove the following (Policy, paragraph 4(a)):

- (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

Paragraph 4(a)(i) of the Policy requires a two-fold inquiry: a threshold investigation into whether a complainant has rights in a trademark, followed by an assessment of whether the domain name is identical or confusingly similar to that trademark. The Panel concludes that in the present case, the Disputed Domain Name is confusingly similar to the SIGA Mark as explained below.

It is uncontroverted that the Complainant has established rights in the SIGA Mark based on its years of use as well as its numerous registered trademarks for the SIGA Mark in the United States and many jurisdictions worldwide. The registration of a mark satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case. As stated in section 1.2.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), "[w]here 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". Thus, the Panel finds that the Complainant satisfied the threshold requirement of having rights in the SIGA Mark.

The Disputed Domain Name consists of the SIGA Mark in its entirety with the addition of the term "inc", followed by the generic Top-Level Domain ("gTLD") ".com". Where the trademark is recognizable in the Disputed Domain Name, the addition of a term, such as "inc", does not prevent a finding of confusing similarity. See [WIPO Overview 3.0](#), section 1.8 ("where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element").

Finally, the addition of a gTLD such as ".com" in a domain name is a technical requirement. Thus, it is well established that such element may typically be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark. See *Proactiva Medio Ambiente, S.A. v. Proactiva*, WIPO Case No. [D2012-0182](#) and [WIPO Overview 3.0](#), section 1.11.1. Thus, the Panel concludes that the Disputed Domain Name is confusingly similar to the Complainant's SIGA Mark.

Accordingly, the Panel finds that the first element of paragraph 4(a) of the Policy has been met by the Complainant.

B. Rights or Legitimate Interests

Under the Policy, a complainant has to make out a *prima facie* case that the respondent lacks rights or legitimate interests in the disputed domain name. Once such a *prima facie* case is made, the respondent carries the burden of production of evidence that demonstrates rights or legitimate interests in the disputed domain name. If the respondent fails to do so, the complainant may be deemed to have satisfied paragraph 4(a)(ii) of the Policy. See [WIPO Overview 3.0](#), section 2.1.

There is no evidence in the record suggesting that the Respondent has rights or legitimate interests in the Disputed Domain Name. The Complainant has not authorized, licensed, or otherwise permitted the Respondent to use the Complainant's SIGA Mark. The Complainant does not have any business relationship with the Respondent, nor is the Respondent making a legitimate noncommercial or fair use of the Disputed Domain Name. In considering the use of the Disputed Domain Name to redirect to the Complainant's website and impersonate the Complainant, the Panel finds that the Respondent was not making a *bona fide* offering of goods or services nor making a legitimate noncommercial or fair use of the Disputed Domain Name. There is also no evidence that the Respondent is commonly known by the Disputed Domain Name or by any similar name. Therefore, the Panel finds that nothing on the record before it would support a finding that the Respondent has any rights or legitimate interests in the Disputed Domain Name.

In addition, the Complainant believes that the Respondent may be redirecting users of the Disputed Domain Name to the Complainant's website at "www.siga.com" in order to place cookies on the computers of those users who type the Disputed Domain Name into their browser. This is a method used to try to gain revenue from Internet users searching for the Complainant's website. See *STYLIGHT GmbH v. Whoisguard Protected / Jillian Jones*, WIPO Case No. [D2016-0656](#) (the Respondent redirects the disputed domain name to the Complainant's website, which demonstrates that the Respondent is deliberately targeting the Complainant for commercial gain.).

Finally, the Respondent's use of the Disputed Domain Name to activate emails to perpetuate a phishing scheme does not confer rights or legitimate interests on the Respondent. See [WIPO Overview 3.0](#), section 2.13.1 ("Panels have categorically held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent.").

Accordingly, the Panel finds that the second element of paragraph 4(a) of the Policy has been met by the Complainant.

C. Registered and Used in Bad Faith

This Panel finds that, based on the record, the Complainant has demonstrated the existence of the Respondent's bad faith pursuant to paragraph 4(b) of the Policy.

First, the registration of a domain name that is confusingly similar to a trademark by an entity that has no relationship to that mark may be sufficient evidence of opportunistic bad faith. See *Ebay Inc. v. Wangming*, WIPO Case No. [D2006-1107](#); *Veuve Clicquot Ponsardin, Maison Fondée en 1772 v. The Polygenix Group Co.*, WIPO Case No. [D2000-0163](#). Based on the circumstances here, the Respondent registered and used the Disputed Domain Name in bad faith to target the Complainant's SIGA Mark for commercial gain.

The Respondent's use of the letters "inc" in the Disputed Domain Name is clearly a reference to the Complainant's corporate entity. This inclusion of the "inc" suffix does nothing to differentiate the Disputed Domain Name from the Complainant's own <siga.com> domain name, as it is merely descriptive of the Complainant's incorporated entity status.

Second, the Respondent's registration and use of the Disputed Domain Name indicate that such registration and use has been done for the specific purpose of trading on the name and reputation of the Complainant and its SIGA Mark. See *Madonna Ciccone, p/k/a Madonna v. Dan Parisi and "Madonna.com"*, WIPO Case No. [D2000-0847](#) ("[t]he only plausible explanation for Respondent's actions appears to be an intentional effort to trade upon the fame of Complainant's name and mark").

Third, the Complainant's use of the SIGA Mark predates the Respondent's registration of the Disputed Domain Name by nearly fifteen years, as the Disputed Domain Name was not registered until November 7, 2022. Therefore, the Panel finds that the Respondent had the Complainant's SIGA Mark in mind when registering the Disputed Domain Name, an indication of bad faith.

Finally, the Respondent is using the Disputed Domain Name to impersonate the Complainant's employees and use emails incorporating the Disputed Domain Name as part of a phishing scheme. This is additional evidence of bad faith. See *Intertrust Group B.V. v. Contact Privacy Inc. / Steve Gold*, WIPO Case No. [D2022-1113](#) ("evidence demonstrates that the Respondent has used the disputed domain name for a phishing scheme in connection with an email address impersonating the Complainant"). Further, several UDRP panels have found that email-based phishing schemes that use a complainant's trademark in a disputed domain name are evidence of bad faith. See, e.g., *DeLaval Holding AB v. Registration Private, Domains By Proxy LLL / Craig Kennedy*, WIPO Case No. [D2015-2135](#).

Accordingly, in the absence of a Response or any evidence to the contrary, the Panel finds that the third element of paragraph 4(a) of the Policy has been met by the Complainant.

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 <sigainc.com> be transferred to the Complainant.

/Lynda M. Braun/

Lynda M. Braun

Sole Panelist

Date: January 16, 2023