

ADMINISTRATIVE PANEL DECISION

Haemonetics Corporation v. Bhanu Yadav, Haemonetics.com
Case No. D2023-3550

1. The Parties

The Complainant is Haemonetics Corporation, United States of America (“United States”), represented by Sunstein LLP., United States.

The Respondent is Bhanu Yadav, Haemonetics.com, United States.

2. The Domain Name and Registrar

The disputed domain name <haemonctics.com> is registered with Squarespace Domains II LLC (the “Registrar”)¹.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 22, 2023. On August 23, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 23, 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 (Contact Privacy Inc. Customer 7151571251) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 24, 2023, 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 August 28, 2023. In response to a notification by the Center that the Complaint was administratively deficient, the Complainant filed an amendment to the Complaint on August 31, 2023.

The Center verified that the Complaint 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 Complaint was filed identifying the Registrar as Google LLC. On September 28, 2023, Google LLC confirmed that the disputed domain name is registered with Squarespace Domains II LLC following a purchase agreement. Google LLC has confirmed both Registrars’ compliance with the UDRP and the implementation of the decision by either Registrar.

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on August 31, 2023. In accordance with the Rules, paragraph 5, the due date for Response was September 20, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 27, 2023.

The Center appointed Kathryn Lee as the sole panelist in this matter on October 10, 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

The Complainant is a company based in the United States and a provider of blood and plasma supplies and services in over 50 countries. The Complainant has used the HAEMONETICS mark since 1971, and owns a number of trademark registrations for the mark such as United States Trademark Registration Number 1,057,423, registered on February 1, 1977 and United States Trademark Registration Number 5,232,710, registered on June 27, 2017. The Complainant has offices in 16 countries with more than 1,800 employees worldwide.

The Respondent appears to be an individual with an address in the United States.

The disputed domain name was registered on April 4, 2023, and does not resolve to any active website.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is confusingly similar to the HAEMONETICS trademark in which the Complainant has rights since the disputed domain name is identical to the HAEMONETICS mark other than a letter "e" replaced with the letter "c". The Complainant contends that this constitutes typosquatting in which the registrant deliberately made a slight deviation in the Complainant's famous mark for commercial gain.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name and confirms that it has not authorized or licensed rights to the Respondent in any respect. The Complainant further contends that there is no evidence of the Respondent's use of, or demonstrable preparations to use the disputed domain name or a name corresponding to the disputed domain name in connection with a *bona fide* offering of goods or services.

Finally, the Complainant contends that the disputed domain name was registered and used in bad faith. The Complainant contends that the HAEMONETICS mark is well known and the Respondent must have known of it, or at least had constructive notice of the Complainant's rights in the mark. The Complainant also contends that the disputed domain name constitutes typosquatting, and that there is no website accessible from the disputed domain name, both of which indicate bad faith. Lastly, the Complainant contends that the Respondent used the disputed domain name to set up an email address to contact the Complainant's customers posing as someone from the Complainant's collections department in order to defraud the Complainant's customers, which is yet another evidence of the Respondent's bad faith.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has demonstrated with supporting evidence that it has rights to the trademark HAEMONETICS. As for the disputed domain name, it is composed of the exact same letters as the Complainant's mark, except that a letter "e" is replaced with the letter "c" which has a similar appearance at a quick glance, especially embedded within a word. According to WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.9, "[a] domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element" and an example of such a misspelling is "substitution of similar-appearing characters". Accordingly, the disputed domain name is confusingly similar to the Complainant's trademark.

For the reason mentioned above, the Panel finds that the first element has been established.

B. Rights or Legitimate Interests

On the basis of the present record as set out above, the Panel finds that the Complainant has made the required allegations to support a *prima facie* case showing that the Respondent has no rights or legitimate interests in the disputed domain name. Once such a *prima facie* case has been established, the burden of production shifts to the Respondent to demonstrate its rights or legitimate interests in the disputed domain name, with the burden of proof always remaining with the Complainant. However, the Respondent in this case has chosen to file no Response to these assertions by the Complainant, and there is no evidence or allegation in the record that would warrant a finding in favor of the Respondent on this point. Moreover, the inherent misleading nature of the typosquatting disputed domain name reflects Respondent's intent to confuse Internet users, which cannot confer rights or legitimate interests upon the Respondent.

For the reasons provided above, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name, and that the second element has been established.

C. Registered and Used in Bad Faith

The Panel finds that there is sufficient evidence to find bad faith in this case.

It is highly unlikely for the Respondent to have not known about the Complainant prior to registering the disputed domain name. In fact, a search for "haemonctics" in an Internet search engine will automatically show results for "haemonetics" which almost exclusively pertain to the Complainant. Further, the Respondent provided the "organization" of the registrant on the Whois record as "Haemonetics.com", in a likely attempt to legitimize the registration as being in association with the Complainant. Therefore, disputed domain name is an obvious misspelling of the Complainant's mark and it is most likely that the Respondent registered the disputed domain name with the intention of benefiting from the fame of the Complainant's mark in some way.

No evidence was submitted to support the Complainant's claim that the Respondent used the disputed domain name to contact the Complainant's customers to perpetuate fraud, nor any actual use of the disputed domain name. But from the inception of the UDRP, UDRP panelists have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding (see [WIPO Overview 3.0](#), section 3.3). Considering the reputation of the Complainant's trademark, the failure of the Respondent to submit a response, the Respondent's use of a privacy service to hide his identity, and the implausibility of any good faith use the disputed domain name may be put, the Panel finds that that the Respondent has also used the disputed domain name in bad faith.

For the reasons given above, the Panel finds that the third element has been established.

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

/Kathryn Lee/

Kathryn Lee

Sole Panelist

Date: October 24, 2023