

ADMINISTRATIVE PANEL DECISION

Haemonetics Corporation v. Domain Admin
Case No. D2024-2839

1. The Parties

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

The Respondent is Domain Admin, Viet Nam.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 28, 2024. On July 12, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On July 15, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Registrant Name Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 15, 2024 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 amendment to the Complaint on July 16, 2024.

The Center verified that the Complaint together with the amendment to the 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 July 18, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 7, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 17, 2024.

The Center appointed Ian Lowe as the sole panelist in this matter on August 22, 2024. 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 based in Boston, United States and is a leading provider worldwide of blood management solutions. It has used the HAEMONETICS mark in connection with blood-processing equipment and blood-management services since 1971.

The Complainant is the proprietor of a number of registered trademarks for the mark HAEMONETICS including United States trademark number 1057423 registered on February 1, 1977, International trademark number 1462443 registered on December 13, 2018, designating a number of countries including Singapore, Thailand, and Indonesia, and European Union trademark number 017879488 registered on July 31, 2018.

The Complainant operates a website at “www.haemonetics.com” promoting its products and services.

The Domain Name was registered on October 27, 2016. It currently resolves to a parking page comprising links to webpages of pay-per-click (“PPC”) links to a number of third-party websites, including providers of blood services. The Complainant has produced evidence that at the time of preparation of the Complaint access to the website at the Domain Name was blocked by intrusion software for fear of phishing.

5. Parties’ Contentions

A. Complainant

The Complainant contends that the Domain Name is confusingly similar to its HAEMONETICS trademark, that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered and is using the Domain Name in bad faith.

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 Domain Name the Complainant must prove that:

- (i) the 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 Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant’s trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ([“WIPO Overview 3.0”](#)), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy and the Domain Name is identical to the Complainant's HAEMONETICS mark (the "Mark") save for the omission of the letter "s". Such minor difference does not prevent a finding of confusing similarity between the Domain Name and the Mark. [WIPO Overview 3.0](#), section 1.9.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. Accordingly, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

The Domain Name is not being used for an active website but to resolve to a webpage of PPC links comprising in turn click through links to third party websites including the websites of providers of blood services. So far as the Panel can determine, "haemonetic" is not a dictionary term and is likely only to be taken as a reference to the Complainant. In the Panel's view, therefore, it is difficult to conceive a legitimate purpose for registering a domain name identical to the Complainant's Mark save for the omission of the "s" or any possible justification for the Respondent having registered the Domain Name.

Having reviewed the available evidence, the Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Domain Name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name such as those enumerated in the Policy or otherwise.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

In light of the nature of the Domain Name, the Panel considers it most likely that the Respondent had the Complainant and its rights in the Mark in mind when it registered the Domain Name. Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Since the Domain Name comprises the entirety of the Mark, save for the omission of the letter "s", the obvious inference is that the Respondent registered the Domain Name for commercial gain with a view to taking unfair advantage of the Complainant's Mark. Its aim was either to take advantage of Internet users mistyping the Complainant's website address (known as typosquatting) or to confuse Internet users into believing that the Domain Name was being operated by or authorized by the Complainant.

In the Panel's view, using the Domain Name for a website comprising competing PPC links to third party websites amounts to paradigm bad faith registration and use for the purposes of paragraph 4(a) of the Policy.

Accordingly, the Panel finds that the Domain Name has been registered and is being used in bad faith. The Panel finds that the Complainant has established the third element of the Policy.

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 Domain Name <haemonetic.com> be transferred to the Complainant.

/Ian Lowe/

Ian Lowe

Sole Panelist

Date: September 5, 2024