

ADMINISTRATIVE PANEL DECISION

Haemonetics Corporation v. Jenifer caruso
Case No. D2025-0339

1. The Parties

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

Respondent is Jenifer caruso, United States.

2. The Domain Name and Registrar

The disputed domain name <haesmonetics.com> (the “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 January 28, 2025. On January 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. That same day, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on January 31, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on January 31, 2025.

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 Respondent of the Complaint, and the proceedings commenced on February 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 25, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on February 27, 2025.

The Center appointed Harrie R. Samaras as the sole panelist in this matter on March 10, 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

Complainant, Haemonetics Corporation, based in Boston, Massachusetts, is a provider of blood management solutions worldwide. Complainant is publicly traded on the New York Stock Exchange.

Complainant owns U.S. Trademark Registration No. 5,232,710 for HAEMONETICS (the "Mark" or the "HAEMONETICS Mark") (registered June 27, 2017) which it has been using in connection with blood-processing equipment and blood-management services since 1971.

Respondent registered the Domain Name on December 17, 2024. According to the evidence provided by Complainant, the Domain Name used to resolve to a website displaying pay-per-click ("PPC") advertisements. Currently, the Domain Name does not resolve to an active website.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Notably, Complainant contends that in registering the Domain Name, Respondent has engaged in typosquatting. That is, the Domain Name is virtually identical to Complainant's HAEMONETICS Mark differing only in one letter. Thus, the Domain Name is confusingly similar to the Mark.

Complainant's HAEMONETICS Mark is highly distinctive in connection with blood-management products and services and is not a word a third party would legitimately choose unless seeking to create an impression of an association with Complainant. HAEMONETICS is arbitrary, and unique to Complainant. Complainant has never licensed or otherwise permitted Respondent to use the Mark, nor is Respondent affiliated with Complainant. Respondent's use of the Mark, with a small variation, is a deliberate attempt to take commercial advantage of Complainant's rights in the Mark. For these reasons, Respondent has no legitimate interest in using the Mark.

Respondent can be inferred to have registered and used the Domain Name in bad faith because: (1) The Mark is well known and Respondent must have known of it; (2) Typosquatting itself is evidence of bad faith; (3) There is no website accessible from the Domain Name; (4) the Domain Name was registered over 50 years after Complainant began using the Mark; and (5) UDRP panelists have found that the nonuse of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. Considering the reputation of Complainant's Mark, Respondent's use of a privacy service to hide its identity, and the implausibility that the Domain Name could be put to any good faith use.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

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.

Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the Mark is recognizable within the Domain Name. Accordingly, the Domain Name is confusingly similar to the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. 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. [WIPO Overview 3.0](#), section 1.9. Here, the addition of the letter "s" in the middle of the Mark is an intentional misspelling of the Mark rendering the Domain Name confusingly similar to the Mark.

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. As such, 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.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name. Respondent has not rebutted 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.

It is undisputed that Complainant has never licensed or otherwise permitted Respondent to use the Mark, nor is Respondent affiliated with Complainant. It is further undisputed that the HAEMONETICS Mark is distinctive and well-established, and it is not a word a third party would choose unless seeking to create an impression of an association with Complainant to attempt to take commercial advantage of Complainant's rights in the Mark.

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

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, it is more likely than not that Respondent has registered the Domain Name in bad faith because: (1) Complainant has been using the Mark over 50 years before Respondent registered the Domain Name; (2) Complainant is traded on the New York Stock Exchange; (3) Respondent registered as a Domain Name an established Mark simply adding the letter “s” in the middle of the Mark; and (4) the Panel notes that Complainant’s domain name <haemonetics.com> which resolves to Complainant’s website is the same as the Domain Name minus the added letter “s” between the letters “e” and “m”.

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. Here, Respondent has engaged in typosquatting as described above and used a privacy service to hide its identity.

Panels have found that the non-use of a domain name, including a blank page, as is the case here at the time of drafting the Decision, would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and the established reputation of the Mark, and the composition of the Domain Name, and finds that in the circumstances of this case the passive holding of the Domain Name does not prevent a finding of bad faith under the Policy.

The Panel finds that the third element of the Policy 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 Domain Name <haesmonetics.com> be transferred to Complainant.

/Harrie R. Samaras/

Harrie R. Samaras

Sole Panelist

Date: March 18, 2025