

ADMINISTRATIVE PANEL DECISION

Amgen, Inc. v. Dow Wordwide, Dow WorldWide
Case No. D2025-0513

1. The Parties

The Complainant is Amgen, Inc., United States of America ("United States"), represented by Snell & Wilmer, LLP, United States.

The Respondent is Dow Wordwide, Dow WorldWide, United States.

2. The Domain Name and Registrar

The disputed domain name <amgenglobal.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 8, 2025. On February 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 11, 2025, 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 (Domain Admin) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 11, 2025, 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 February 11, 2025.

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 February 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 10, 2025. The Center received email communications from an apparent third party on March 7 and 12, 2025.

The Center appointed Michelle Brownlee as the sole panelist in this matter on March 26, 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

The Complainant is a global company based in the United States that makes biopharmaceuticals in the areas of cardiovascular disease, oncology, bone health, neuroscience, nephrology, and inflammation. The Complainant has been using the AMGEN mark since as early as 1981.

The Complainant owns registrations for the AMGEN trademark in numerous jurisdictions throughout the world, including the following United States registrations:

Registration Number 1,621,967 for AMGEN in connection with goods in International Class 5 and services in International Class 42, registered on November 13, 1990;

Registration Number 3,226,919 for AMGEN in connection with goods in International Classes 5 and 10 and services in International Classes 35, 36, 41, 42 and 44, registered on April 10, 2007; and

Registration Number 3,921,146 for AMGEN in connection with goods in International Class 5, registered on February 15, 2011.

The Complainant has owned and used the domain name <amgen.com> in connection with a website that offers and promotes the Complainant's biopharmaceutical goods and related services.

The disputed domain name was registered on December 5, 2024. The Respondent has used the disputed domain name to send emails that appear to come from an employee of the Complainant for the likely purpose of phishing or other fraudulent activity. The disputed domain name redirects to the Complainant's website at <amgen.com>.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the Complainant's AMGEN mark, that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and that the Respondent registered and is using the disputed domain name in bad faith by sending fraudulent email messages that misrepresent that they originate from the Complainant and by redirecting the disputed domain name to the Complainant's website to give the false impression that the disputed domain name is associated with the Complainant.

B. Respondent

The Respondent did not reply to the Complainant's contentions.¹

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.

The 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 entirety of the AMGEN mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here, "global", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence

¹The Center received correspondence on March 7, 2025, from an employee of The Dow Chemical Company ("Dow"), as the mailing address provided by the Respondent was the corporate address of Dow. The Dow employee stated that Dow did not own the disputed domain name and noted that the email addresses the complaint was sent to were not associated with Dow. The Dow employee also asked for a copy of the Complaint, which had not been included with the notice sent on February 18, 2025. The Center responded on March 12, 2025, that the disputed domain name was registered to the name "Dow Worldwide, Dow Worldwide" and asked if Dow owns the disputed domain name. The Dow employee replied in a message dated March 12, 2025, that Dow had not received a copy of the Complaint but was unaware of any connection between Dow and the disputed domain name. The Panel acknowledges the correspondence but does not consider it to be a response from the Respondent, as it is apparent that the Respondent used a false mailing address.

demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for illegal activity, here, claimed impersonation of an employee of the Complainant for the likely purpose of phishing or other fraudulent activity, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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, the Panel notes that the Respondent used the disputed domain name to send an email message that appeared to be from an employee of the Complainant for the apparent purpose of phishing or otherwise defrauding the recipient of the message. The Respondent also redirected the disputed domain name to the Complainant's website in furtherance of the fraud. The Panel finds that this is a bad faith under paragraph 4(b)(iv) of the Policy in that the Respondent used the disputed domain name to create a likelihood of confusion with the Complainant's mark for the purpose of commercial gain.

Panels have held that the use of a domain name for illegal activity, here, claimed impersonation of an employee of the Complainant for the likely purpose of phishing or other fraudulent activity, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 disputed domain name <amgenglobal.com> be transferred to the Complainant.

/Michelle Brownlee/

Michelle Brownlee

Sole Panelist

Date: April 9, 2025