

ADMINISTRATIVE PANEL DECISION

Particle Measuring Systems Inc. v. Craig Johnson
Case No. D2025-2978

1. The Parties

The Complainant is Particle Measuring Systems Inc., United States of America (“United States”), represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Craig Johnson, United States.

2. The Domain Name and Registrar

The disputed domain name <particlemeasuringsystems.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 25, 2025. On July 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 28, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 29, 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 August 1, 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 August 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 25, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 26, 2025. On August 29, 2025, the Center granted the Respondent seven extra days to file a Response since the Center’s written communication has not been sent to the Respondent’s address. The Respondent did not submit any response.

The Center appointed William F. Hamilton as the sole panelist in this matter on September 12, 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 sells advanced particle counters and environmental monitoring instruments essential for measuring, analyzing, and maintaining ultra-clean environments, especially in industries where precision and compliance are crucial. The Complainant has local sales and service teams in over 50 countries. It employs over 700 professionals across multiple continents, serving a wide range of clients in regulated industries and academic research.

The Complainant owns numerous trademark registrations for the mark PARTICLE MEASURING SYSTEMS (the "Mark") in various jurisdictions, including the China, European Union, Japan, and the United States, where the Complainant holds a United States Patent and Trademark Office Reg. No. 3397110 registered on March 18, 2008 with the first use in commerce in 1977.

The Complainant owns more than 30 registered domain names containing variations of the Mark, including the domain name <particlemeasuring.com> registered in 1999.

The disputed domain name was registered on May 14, 2025, and resolves to a parked pay-per-click ("PPC") website offering links to competitive products and services that compete with those of the Complainant, including links to laboratory instruments. The disputed domain name was previously owned by the Complainant.

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 argues that the disputed domain name is identical to its Mark. The Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name, and there is no evidence indicating that the Respondent is commonly known by that name. Additionally, the Complainant states that the Respondent is neither a licensee nor affiliated with the Complainant in any way. Furthermore, the Complainant claims it has not authorized the Respondent to use the Mark. Moreover, the Complainant argues that the disputed domain name was registered and is used in bad faith for commercial gain, misleading Internet users into believing that the disputed domain name resolves to a website that the Complainant endorses, is connected to, or sponsors, which provides PPC links to competitive services.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy lists three elements that a complainant must satisfy to succeed. The Complainant must demonstrate 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 such 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. [WIPO Overview 3.0](#), section 1.2.1.

The entire Mark is reproduced within the disputed domain name, except for the spaces between the words of the Mark. Therefore, the disputed domain name is identical to the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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

The disputed website resolves to a website offering PPC links to competing third-party websites offering laboratory instruments. The Panel notes the Complainant's online presence, the fact that the Parties are located in the same country, the disputed domain name is identical to the Complainant's company name and the Mark, that the Complainant has filed evidence showing that it was a previous owner of the disputed domain name, and, importantly, absence of a Response, and finds it more likely than not that the disputed domain name was registered with intent to target the Complainant and to take unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the origin or affiliation of the website at the dispute domain name.

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:

- (i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or
- (ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or
- (iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location.

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.

The disputed domain leads to a website created to generate click-through revenue by linking to third-party sites offering similar services to those of the Complainant. Referring to its findings in the preceding section, the Panel concludes that is more probable than not that the disputed domain name was registered in the knowledge of the Complainant's Mark, and to capitalize on the goodwill of the Mark, especially given that the disputed domain name was previously owned by the Complainant, which amounts to bad faith registration and use under paragraph 4(b)(iv) of 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 <particlemeasuringsystems.com> be transferred to the Complainant.

*William F. Hamilton/
William F. Hamilton
Sole Panelist
Date: September 26, 2025*