

## **ADMINISTRATIVE PANEL DECISION**

Haemonetics Corporation v. Andrew Burton, Haemonetics Corp  
Case No. D2025-0425

### **1. The Parties**

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

Respondent is Andrew Burton, Haemonetics Corp, United States.

### **2. The Domain Name and Registrar**

The disputed domain name <haemoneticscorp.com> (the "Domain Name") is registered with IONOS SE (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 4, 2025. On February 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 2, 2025, 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 Complainant on February 6, 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 February 11, 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 12, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 4, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on March 5, 2025.

The Center appointed John C. McElwaine as the sole panelist in this matter on March 7, 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 is a provider of blood management solutions based in Boston, Massachusetts. Founded in 1971, Complainant is publicly traded on the New York Stock Exchange and has used the HAEMONETICS trademark in connection with blood-processing equipment and blood-management services continuously since 1971. In addition, Complainant owns the following relevant trademark registrations:

- HAEMONETICS, U.S. Registration No. 5,232,710, registered June 27, 2017, in Classes 9, 10, 35, and 42; and
- HAEMONETICS, U.S. Registration No. 1,057,423, registered February 1, 1977, in Classes 9 and 10.

Collectively, these common law and registered trademark rights are referred to as the “HAEMONETICS Mark”.

The Domain Name was registered on December 31, 2024. 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.

With respect to the first element of the Policy, Complainant asserts ownership of two U.S. trademark registrations for the HAEMONETICS mark with one dating back to 1977. Complainant contends that the HAEMONETICS Mark is arbitrary and unique to Complainant, having been adopted by Complainant in 1971 for use in connection with blood-processing equipment. Moreover, Complainant points out that its HAEMONICS Mark is wholly contained in the Domain Name with the addition of the descriptive term “corp,” which refers to Complainant’s corporate name.

With respect to the second element of the Policy, Complainant alleges that Respondent has no rights or legitimate interests in the Domain Name. Complainant further asserts that it has not licensed or authorized Respondent to use its marks. Complainant points out that the Domain Name is not being used for any active website, which is not an indicia of legitimate interests.

With respect to the third element of the Policy, Complainant asserts bad faith registration and use based on Respondent’s conduct. Complainant asserts that the evidence shows Respondent registered the Domain Name in December 2024, over 50 years after Complainant began using its HAEMONETICS Mark. Thus, the Domain Name incorporates Complainant’s HAEMONICS Mark which has been found by one UDRP panel to be famous.

##### **B. Respondent**

Respondent did not reply to Complainant’s contentions.

## 6. Discussion and Findings

Even though Respondent has defaulted, paragraph 4(a) of the Policy requires that, in order to succeed in this UDRP proceeding, Complainant must still prove its assertions with evidence demonstrating:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) 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.

Because of Respondent's default, the Panel may accept as true the reasonable factual allegations stated within the Complaint and may draw appropriate inferences therefrom. See *St. Tropez Acquisition Co. Limited v. AnonymousSpeech LLC and Global House Inc.*, WIPO Case No. [D2009-1779](#); *Bjorn Kassoe Andersen v. Direction International*, WIPO Case No. [D2007-0605](#); see also paragraph 5(f) of the Rules ("If a Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint"). Having considered the Complaint, the Policy, the Rules, the Supplemental Rules, and applicable principles of law, the Panel's findings on each of the above-cited elements are as follows.

### 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 Complainant's trademark and the Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

Here, the Panel finds that Complainant has established rights in the HAEMONETICS Mark through its two U.S. trademark registrations. The Domain Name incorporates Complainant's HAEMONETICS Mark in its entirety, with the addition of the term "corp". As stated in section 1.8 of the [WIPO Overview 3.0](#), where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) does not prevent a finding of confusing similarity under the first element.

Therefore, the Panel concludes that the Domain Name is confusingly similar to Complainant's HAEMONETICS Mark, and Complainant has satisfied the first element of the Policy.

### B. Rights or Legitimate Interests

Complainant must make a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name, after which the burden of production shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests. See section 2.1 of the [WIPO Overview 3.0](#).

Here, Complainant has stated that it has not licensed or otherwise authorized Respondent to use its HAEMONETICS Mark or to register domain names incorporating the mark. There is no evidence that Respondent has been commonly known by the Domain Name or that Respondent has acquired any trademark rights in the words "Haemonetics Corp." Respondent has not come forward with an explanation for choosing the Domain Name which consists of Complainant's well-known HAEMONETICS Mark.

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 Names. 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<sup>1</sup> or otherwise.

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<sup>1</sup> The Policy, paragraph 4(c), provides a non-exhaustive list of circumstances in which a respondent could demonstrate rights or legitimate interests in a contested domain name: "(i) before any notice to you of the dispute, your use of, or demonstrable preparations

Complainant contends that Respondent has failed to make any use of the Domain Name. Complainant points out that Respondent's Domain Name leads to an inactive website, and as such, is not in connection with a bona fide offering of goods or services pursuant to Policy paragraph 4(c)(i). See *Société nationale des télécommunications: Tunisie Telecom v. Ismael Leviste*, WIPO Case No. [D2009-1529](#) (noting that passive holding of a disputed domain name "does not constitute a legitimate use of such a domain name" that would give rise to a legitimate right or interest in the name); *Philip Morris USA Inc. v. Daniele Tornatore*, WIPO Case No. [D2016-1302](#) (Respondent had no rights or legitimate interests in the disputed domain name where the disputed domain name resulted to an inactive website); *Philip Morris USA Inc. v. Elijah Etame*, WIPO Case No. [D2016-0968](#) ("the Panel cannot imagine any potentially legitimate interest that Respondent might have in the disputed domain names based on the manner in which the disputed domain names have been used on the inactive websites"). The Panel agrees that the passive holding of a Domain Name consisting of a well-known and uniquely coined trademark without any explanation from Respondent concerning its intended use of the Domain Name supports a finding that Respondent is not engaged in a bona fide offering of goods or services.

The Panel notes that Respondent falsely provided the name "Haemonetics Corp" as part of the registration details for the Domain Name, but the Panel finds that is not sufficient in itself to give rise to rights or legitimate interests in the Domain Name. In fact, the likely use of fraudulent contact information is further evidence of a lack of legitimate interests.

Based on the foregoing, Complainant has made a prima facie showing of Respondent's lack of any right or legitimate interest and Respondent has failed to come forward with evidence to rebut that showing. As provided for by paragraph 14 of the Rules, the Panel may draw such inference from Respondent's default as it considers appropriate. The Panel finds that Respondent does not have rights or legitimate interests in the Domain Name and that Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

### **C. Registered and Used in Bad Faith**

Under paragraph 4(a)(iii) of the Policy, Complainant must show that Respondent registered and is using the Domain Name in bad faith. A non-exhaustive list of factors constituting bad faith registration and use is set out in paragraph 4(b) of the Policy.

Bad faith registration can be found where a respondent "knew or should have known" of a complainant's trademark rights and nevertheless registered a domain name in which it had no right or legitimate interest. See *Accor v. Kristen Hoerl*, WIPO Case No. [D2007-1722](#). Based on Complainant's submissions, which were not rebutted by Respondent, Respondent must have known or had constructive notice of Complainant's HAEMONETICS Mark when Respondent registered the Domain Name. The Domain Name was registered in December 2024, over 50 years after Complainant began using its HAEMONETICS mark. Given that HAEMONETICS is an arbitrary, coined term unique to Complainant and has been recognized as well-known in a prior UDRP decision, it is inconceivable that Respondent coincidentally selected the Domain Name without knowledge of Complainant's rights.

Accordingly, on the record, there is no explanation or legitimate interest to justify Respondent's choice to register the Domain Name. With no response from Respondent, this claim is undisputed, and the Panel can infer bad faith, particularly in light of the other elements of bad faith discussed below.

Furthermore, the fact that the Domain Name does not resolve to a website and is being passively held does not obviate a finding of bad faith. When a domain name is being passively held, the question of bad faith use does not squarely fall under one of the aforementioned non-exhaustive factors set out in paragraph 4(b) of the Policy. Section 3.3 of the [WIPO Overview 3.0](#), instructs that panelists should examine the totality of the

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to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or (ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or (iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue."

circumstances in each case and that the following factors that have been considered relevant in applying the passive holding doctrine: “(i) the degree of distinctiveness or reputation of the complainant’s mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent’s concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put.” *Id.* Complainant submitted evidence that the HAEMONETICS Mark has been registered for more than 50 years in the United States. Respondent has not offered any evidence to rebut this conclusion.

Furthermore, by virtue of its failure to respond to the Complaint, Respondent provided no evidence of its intended use of the Domain Name. In fact, Respondent is not using the Domain Name in any manner to demonstrate a bona fide use or potential use. In addition, Respondent concealed its true identity by using a proxy service that likely employed false contact information, and Respondent did not respond to the Complaint. In light of these factors, the Panel finds that Respondent’s passive holding of the Domain Name satisfies the requirement of paragraph 4(a)(iii) of the Policy that the Domain Name was registered and is being used in bad faith by Respondent.

For the reasons set forth above, the Panel holds that Complainant has met its burden under paragraph 4(a)(iii) of the Policy and has established that Respondent registered and is using the Domain Name in bad faith.

## **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 <haemoneticscorp.com> be transferred to Complainant.

*/John C McElwaine/*

**John C McElwaine**

Sole Panelist

Date: March 21, 2025