

## ADMINISTRATIVE PANEL DECISION

SPINE STUD LLC d/b/a SurgiSTUD v. Name Redacted  
Case No. D2025-1783

### 1. The Parties

The Complainant is SPINE STUD LLC d/b/a SurgiSTUD, United States of America (“US”), represented by Quarles & Brady LLP, US.

The Respondent is Name Redacted<sup>1</sup>.

### 2. The Domain Name and Registrar

The disputed domain name <surgistud.net> is registered with Squarespace Domains II LLC (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 2, 2025. On May 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 5, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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”).

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<sup>1</sup> The Respondent appears to have used the name of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST 12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on May 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 29, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 5, 2025.

The Center appointed Andrew J. Park as the sole panelist in this matter on June 17, 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, SPINE STUD LLC d/b/a SurgiSTUD is a US-based medical technology company, specializing in the design and manufacture of high-fidelity, biomechanically accurate anatomical models for use in surgical training, medical education, and device development. Established out of the Barrow Innovation Center at Barrow Neurological Institute in 2019, the Complainant offers a wide range of customizable products—including its flagship SPINESTUD, as well as ORTHOPEDICSTUDS, SKULLSTUD, and FOOTSTUD—that simulate real-world anatomical structures and pathological conditions. The SURGISTUD trademark was federally registered on December 22, 2020, based on first use in commerce as of March 1, 2019 and these models are used by surgical residency programs, simulation centers, research institutions, and medical device manufacturers around the world.

The Complainant has gained recognition for innovation and growth, including the 2023 Spine Technology Award and inclusion in the Inc. 5000 list of America's fastest-growing private companies. It operates its official websites at "www.surgistud.com" and "www.shop.surgistud.com", through which it promotes its products, engages with clients, and reinforces its brand identity in the global medical and surgical training industry.

The Complainant is the owner of all right, title, and interest in and to the SURGISTUD trademark, including the following registrations:

Jurisdiction	Trademark	Registration Number	Registration Date	Class
US	SURGISTUD	6226417	December 22, 2020	16
China	SURGISTUD	49382267	April 21, 2021	16
China	SURGISTUD	46901272	February 7, 2021	16

The disputed domain name <surgistud.net> was registered by the Respondent on April 4, 2025. The website to which the disputed domain name resolves merely displays a "coming soon" message and contains no substantive content. The disputed domain name has been used to send fraudulent emails impersonating the Complainant's employees.

#### 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.

(1) The disputed domain name <surgistud.net> is identical or confusingly similar to the Complainant's SURGISTUD trademark, in which the Complainant has rights. The disputed domain name incorporates the SURGISTUD mark in its entirety, and such full reproduction is sufficient to establish confusing similarity under the UDRP standard. The addition of the generic Top-Level-Domain ("gTLD") ".net" is considered a standard registration requirement and is therefore disregarded when assessing similarity to a trademark.

As a result, Internet users encountering the disputed domain name are likely to assume an association with the Complainant's SURGISTUD trademark, leading to a likelihood of confusion.

(2) the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name, <surgistud.net>. The Complainant has never authorized or licensed the Respondent to use the SURGISTUD trademark, and the Respondent is not affiliated with the Complainant in any way. The disputed domain name is not being used for a bona fide offering of goods or services, nor is it being used for legitimate noncommercial or fair use purposes. Instead, the website displays only a "coming soon" message with no actual content or business activity. Moreover, the Respondent has used the disputed domain name to impersonate the Complainant's employees, including senior executives, in emails targeting the Complainant's employees and clients. These emails request or provide sensitive banking information, suggesting fraudulent intent. The disputed domain name has been deliberately chosen to mirror the Complainant's well-established trademark SURGISTUD in order to mislead recipients and create the false impression of legitimacy. The Respondent has presented no evidence of being commonly known by the name "SURGISTUD", nor of any legitimate purpose for using the name. These facts support the conclusion that the Respondent lacks any rights or legitimate interests in the disputed domain name.

(3) The Respondent's registration and use of the disputed domain name constitutes bad faith under the UDRP. The sole purpose of the registration of the disputed domain name by the Respondent appears to be impersonation of the Complainant by using the disputed domain name to contact the Complainant's employees and clients under false pretenses, particularly to obtain or provide banking and payment information. Such conduct demonstrates a deliberate attempt to mislead and deceive Internet users by creating confusion as to the source and affiliation of communications, which constitutes clear evidence of bad faith.

Furthermore, the disputed domain name incorporates the Complainant's trademark SURGISTUD in its entirety and resolves to a non-functional website displaying only a "coming soon" message, reinforcing the absence of any legitimate business use. The overall pattern of conduct—impersonating the Complainant's personnel and attempting to exploit its reputation—confirms that the disputed domain name was registered and is being used with intent to take advantage of the Complainant's business and mislead third parties for the Respondent's capital gain.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **A. Identical or Confusingly Similar**

This element consists of two parts: first, whether the Complainant has rights in a relevant trademark and, second, whether the disputed domain name is identical or confusingly similar to that trademark.

The Panel finds that the Complainant has established registered rights in the trademark SURGISTUD and that the disputed domain name is identical to the Complainant's trademark. The disputed domain name incorporates the Complainant's trademark in its entirety.

Furthermore, in determining whether a domain name is identical or confusingly similar to a trademark, the gTLD ".net" is typically disregarded (see *Proactiva Medio Ambiente, S.A. v. Proactiva*, WIPO Case No. [D2012-0182](#); WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.11.1).

For these reasons, pursuant to the Policy, paragraph 4(a)(i), the Panel finds that the disputed domain name is identical to the Complainant's trademark and the first element of the Policy has been established.

## **B. Rights or Legitimate Interests**

Pursuant to paragraph 4(a)(ii) of the Policy, the Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. Once such a prima facie case is made, the Respondent carries the burden of demonstrating its rights or legitimate interests in the disputed domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy. [WIPO Overview 3.0](#), section 2.1.

Pursuant to paragraph 4(c) of the Policy, the Respondent may establish its rights or legitimate interests in the disputed domain name, among other circumstances, by showing any of the following elements:

- (i) before any notice to the Respondent of the dispute, the Respondent's use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services; or
- (ii) the Respondent (as an individual, business, or other organization) has been commonly known by the disputed domain name, even if it has acquired no trademark or service mark rights; or
- (iii) the Respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

Here, having reviewed the available records, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name <surgistud.net>. 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 Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name within the meaning of Paragraph 4(a)(ii) of the Policy. The Complainant has not authorized, licensed, or otherwise permitted the Respondent to use its SURGISTUD trademark, and there is no evidence of any relationship between the parties that would give rise to such rights. There is no evidence of record to show that the Respondent has been commonly known by the disputed domain name, nor that it has made a bona fide offering of goods or services, or legitimate noncommercial or fair use of the disputed domain name.

Also, the disputed domain name resolves to a website that merely displays a "coming soon" message, with no substantive content or commercial presence, which does not support any claim of legitimate use of the disputed domain name by the Respondent. Moreover, the Respondent has used the disputed domain name in connection with fraudulent email communications impersonating the Complainant's employees—including senior executives—in an apparent attempt to solicit or redirect banking and payment information from the Complainant's staff and clients. The use of a domain name that is identical to the Complainant's trademark, coupled with such deceptive activity, strongly indicates that the Respondent's purpose is to mislead third parties and take unfair advantage of the Complainant's reputation and goodwill. In the absence of any credible evidence to the contrary, the Panel concludes that the Respondent has no rights or legitimate interests in the disputed domain name and these facts may be taken as true in the circumstances of this case in view of the use of the disputed domain name.

Accordingly, the Panel holds that the Respondent has no rights or legitimate interests in the disputed domain name pursuant to paragraph 4(a)(ii) of the Policy and the second element of the Policy has been established.

### C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides a non-exclusive list of circumstances that evidence registration and use of a domain name in bad faith. Any one of the following is sufficient to support a finding of bad faith:

(i) circumstances indicating that the respondent has registered or 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 the complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or

(ii) the respondent has 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 the respondent has engaged in a pattern of such conduct; or

(iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

The Complainant claims that the Respondent registered and is using the disputed domain name in bad faith in accordance with paragraph 4(a)(iii) of the Policy. In particular, the Complainant contends that the Respondent's conduct falls squarely within the scope of paragraph 4(b)(iv) of the Policy, as the Respondent registered the disputed domain name in an attempt to attract, for commercial gain, Internet users to a website by creating a likelihood of confusion with the Complainant's trademark.

As stated previously, the Respondent did not file any response to the Complaint, failing thereby to rebut the Complainant's allegations of the Respondent's bad faith registration and use of the disputed domain name.

Nevertheless, the Panel still has the responsibility of determining which of the Complainant's assertions are established as facts, and whether the conclusions asserted by the Complainant can be drawn from the established facts (see *Harvey Norman Retailing Pty Ltd v. Oxford-University*, WIPO Case No. [D2000-0944](#)).

The Panel finds that the Complainant has established that the Respondent registered and is using the disputed domain name in bad faith. The disputed domain name wholly incorporates the Complainant's registered SURGISTUD trademark and was registered in 2025—five years after the Complainant obtained registration of the SURGISTUD trademark in 2020 and began using it in commerce in 2019. The term "surgistud" is a coined and distinctive trademark created by the Complainant as an abbreviation for "Surgical Training and Utility Device". It serves as the foundation of the Complainant's branding and is used to identify its corporate identity, flagship products, and core business mission. Given the highly specific and non-descriptive nature of the mark, it is not a term that an unrelated third party would likely adopt independently. The fact that the Respondent registered the disputed domain name which is identical to this distinctive trademark strongly indicates that the Respondent was fully aware of the Complainant and its rights at the time of registration and intentionally sought to trade on that goodwill which constitutes bad faith registration of the disputed domain name.

In addition, the Complainant has presented compelling evidence that the Respondent has used the disputed domain name in a fraudulent scheme involving deceptive email communications. These communications were designed to impersonate the Complainant's senior executives and mislead the Complainant's employees and clients into providing or redirecting sensitive banking information. Further, the disputed domain name resolves to an inactive website that merely displays a "coming soon" message, indicating no genuine business activity or bona fide offering of goods or services. The Respondent has not provided any

evidence of legitimate interest or use and has remained silent in response to the Complaint. Taken together, these facts support a finding that the Respondent registered and is using the disputed domain name not merely in bad faith, but as part of a deliberate and fraudulent effort to misappropriate financial or confidential information by creating a false impression of affiliation with the Complainant.

Accordingly, as the conduct described above falls squarely within paragraph 4(b)(iv) of the Policy, the Panel concludes that the third element of the Policy has been satisfied and the Respondent registered and is using the disputed domain name in bad faith pursuant to the Policy, paragraph 4(a)(iii).

## **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 <surgistud.net> be transferred to the Complainant.

*/Andrew J. Park/*

**Andrew J. Park**

Sole Panelist

Date: July 1, 2025