

ADMINISTRATIVE PANEL DECISION

Kite Pharma, Inc. v. Kien Nguyen
Case No. D2025-2423

1. The Parties

The Complainant is Kite Pharma, Inc., United States of America (“United States”), represented by Gilead Sciences, Inc., United States.

The Respondent is Kien Nguyen, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <kitejobs.net> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 19, 2025. On June 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 19, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 20, 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 amendment to the Complaint on June 25, 2025.

The Respondent sent an email communication to the Center on June 20, 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 the Respondent of the Complaint, and the proceedings commenced on June 30, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 20, 2025. The Respondent did not submit any formal response. Accordingly, the Center notified the commencement of Panel appointment process on July 21, 2025.

The Center appointed Jeremy Speres as the sole panelist in this matter on August 4, 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 biopharmaceutical company that develops cancer immunotherapy products. Founded in 2009, the Complainant was acquired by Gilead in 2017 for USD 11.9 billion. The Complainant uses the KITE and KITE PHARMA trademarks in connection with its business.

The Complainant owns various trademark registrations in numerous jurisdictions for the KITE and KITE PHARMA marks, including the following:

- United States Trademark Registration No. 6108120 KITE, registered on July 21, 2020, in class 40; and
- European Union Trademark Registration No. 013843206 KITE PHARMA, registered on July 21, 2015, in classes 5, 40, and 42.

The disputed domain name was registered on April 24, 2025, and does not currently resolve to an active website. The Complainant's evidence establishes that the disputed domain name previously resolved to a website featuring pay-per-click ("PPC") advertisements entitled "Find Jobs", "Jobs Hiring Nearby", and "Find Job".

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 was registered and has been used in bad faith in order to mislead Internet users into believing that the disputed domain name is associated with the Complainant for the Respondent's commercial gain.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions. In its informal communication of June 20, 2025, the Respondent stated: "The domain is intended to support recruitment-related services in Vietnam, and it was not registered in bad faith nor with the intention of infringing upon any trademark."

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 Complainant's registered KITE 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 "jobs", 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

Given the Panel's findings in relation to the third element below, there is no need to consider the second element.

C. Registered and Used in Bad Faith

The Complainant's evidence establishes that its KITE mark is well-known within the pharmaceutical sector, and that the repute of its KITE PHARMA mark extends beyond that sector. However, the Complainant has not established that the KITE simpliciter mark is so firmly associated with the Complainant that any use of it beyond the pharmaceutical sector is bound to bring the Complainant to mind.

The word "kite" is a common dictionary word, and it is used as part of the names of many businesses in varying sectors. Cursory Internet searches¹ reveal "Kite Optics", "Kite Realty", "Kite Technology", and "Kite Insights", amongst numerous others, in addition to the Complainant and to the many businesses that are associated with the dictionary meanings of "kite" – a specific type of toy or bird. Trademark searches for marks incorporating "kite" also reveal many other potential commercial users of the term "kite" as part of a trademark.

As such, outside the pharmaceutical sector, it is by no means clear that the word "kite" is so closely associated with the Complainant that targeting of the Complainant can be presumed whenever that word is used, without any further indicators of targeting.

The use to which the disputed domain name has been put does not relate to the pharmaceutical sector, nor does it target or compete with the Complainant in any specific way besides use of the word "kite", and neither does the composition of the disputed domain name. Cursory Internet searches for the second-level portion of the disputed domain name, in the form of "kite jobs", return results that relate to many other businesses in addition to the Complainant. There is no evidence in the record showing an association or familiarity by the Respondent with the pharmaceutical sector, nor any reason why the Respondent, based in Viet Nam, should be presumed to be aware of the United-States based Complainant. No evidence has been presented showing a history of cybersquatting by the Respondent. As far as the Panel can tell, no security vendors have flagged the disputed domain name for malicious activity. Besides the use of the word "kite" within the disputed domain name, there are therefore no other indicators of targeting in the record.

There is thus insufficient evidence before the Panel to justify a finding, on balance of probabilities, that it is more likely than not that the Respondent had the Complainant in mind when registering and using the disputed domain name.

Bearing in mind that the Complainant bears the burden of proof, the Panel finds the third element of the Policy has not been established.

¹ Noting the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the UDRP Rules, panels may undertake limited factual research into matters of public record if they would consider such information useful to assessing the case merits and reaching a decision. [WIPO Overview 3.0](#), section 4.8.

Given the incorporation of the Complainant's KITE mark within the disputed domain name, which, as discussed above, is well-known within at least one sector, and given the prevalence of jobs scams (there being no suggestion in the record that this is what the Respondent intended), the Panel nevertheless recognises the potential for bad faith use of the disputed domain name. The Panel considers that should new material evidence come to light in future that is reasonably unavailable to the Complainant at the time of the present proceeding clearly demonstrating that the disputed domain name was registered targeting the Complainant, it may be possible for the Complainant to refile the Complaint, subject to the usual considerations on refiling. [WIPO Overview 3.0](#), section 4.18.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Jeremy Speres/

Jeremy Speres

Sole Panelist

Date: August 11, 2025