

## **ADMINISTRATIVE PANEL DECISION**

Nuvation Bio Inc. v. Maxime Lafleur, Uro  
Case No. D2025-2560

### **1. The Parties**

The Complainant is Nuvation Bio Inc., United States of America (“United States” or “U.S.”), represented by Morrison & Foerster, LLP, United States.

The Respondent is Maxime Lafleur, Uro, United States.

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

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

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 1, 2025. On July 1, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 1, 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 Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 2, 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 July 2, 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 July 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 28, 2025.

The Center appointed Dennis A. Foster as the sole panelist in this matter on August 5, 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 U.S. corporation that operates throughout the world in developing and marketing innovative cancer treatments. In providing its products, the Complainant has conducted its business since 2018 under its NUVATION BIO trademark, which is registered with the United States Patent and Trademark Office ("USPTO") (e.g., registration no. 7,588,648; registered on December 3, 2024, international class 05 for pharmaceutical preparations for the treatment of cancer and oncological disorders; and registration no. 7,580,007, registered on November 26, 2024, international class 042 for medical and scientific research information in the field of pharmaceuticals.).

To advertise and promote its goods and services, the Complainant has a website at the domain name <novationbio.com>, which was registered on December 17, 2018.

The disputed domain name, <novationbiocareers.com>, is owned by the Respondent, who registered that domain name on May 22, 2025. The disputed domain name is not attached to an operating website but is being used by the Respondent as an online address from which to send email messages to Internet users while explicitly posing as senior managers and other employees of the Complainant.

#### **5. Parties' Contentions**

##### **A. Complainant**

- The disputed domain name is confusingly similar to the Complainant's mark, which was registered with the USPTO before the registration of that domain name. The only differences between the two are the additions of a generic term, "careers," and the ".com" generic Top-Level Domain ("gTLD"), which create no meaningful distinction between them.

- The Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has not authorized or licensed the Respondent to use the Complainant's trademark in any manner. Furthermore, the Respondent has not made a bona fide offering of goods or services in connection with the disputed domain name. Instead, the disputed domain name is not connected to a functioning website but is used by the Respondent to send phony emails to Internet users who might be seeking employment. Also, the Respondent has never been known as the disputed domain name. Moreover, the deceptive use of the disputed domain name, as described above, fails to comport with a legitimate noncommercial or fair use of that domain name.

- The Respondent has registered and is using the disputed domain name in bad faith. The Respondent is using the disputed domain name to impersonate the Complainant's legitimate employees in sending phony emails, possibly seeking to obtain sensitive personal and financial information from individuals caught in the Respondent's potentially fraudulent scheme. Such activity by the Respondent verifies its knowledge of the Complainant's rights in the NUVATION BIO mark.

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

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

## 6. Discussion and Findings

Pursuant to Policy paragraphs 4(a)(i) - (iii), the Panel may render a decision for the Complainant and grant a transfer of the disputed domain name, <nuvationbiocareers.com>, if the Complainant establishes that:

- The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- The Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- The disputed domain name has been registered and is being used in bad faith.

### A. Identical or Confusingly Similar

As the Complainant has submitted appropriate evidence of registration for its NUVATION BIO trademark with the USPTO, the Panel determines that the Complainant possesses trademark rights in that mark to satisfy Policy paragraph 4(a)(i). See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.2.1; and *The Schneider Group, Inc. v. Jack Mann*, WIPO Case No. [D2010-0448](#) ("The Panel finds that Complainant has established rights in the PROTEK mark under Policy paragraph 4(a)(i) through its registration with the USPTO.").

While the disputed domain name is not identical to the NUVATION BIO trademark, the Panel notes that the differences are not significant. The disputed domain name contains that mark in full and merely adds a term "careers" and the ".com" generic Top-Level Domain ("gTLD"). Thus, the disputed domain name is confusingly similar to the Complainant's trademark, and the addition of the term "careers" does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's established trademark. The gTLD is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. See [WIPO Overview 3.0](#), sections 1.7, 1.8, and 1.11.1; *SCHNEIDER ELECTRIC SE v. Michael Bergmann, SchneiderElectricCareers*, WIPO Case No. [D2024-3075](#) (finding the disputed domain name, <schneiderelectriccareers.com>, to be confusingly similar to the SCHNEIDER ELECTRIC mark.); and *BHP Billiton Innovation Pty Ltd v. Kiara Earle*, WIPO Case No. [D2016-0956](#) (finding <bhpbillitoncareers.com> to be confusingly similar to the BHP BILLITON trademark).

As a result, the Panel finds that the Complainant has proved that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights per Policy paragraph 4(a)(i).

### B. Rights or Legitimate Interests

The Complainant has established above that the disputed domain name is confusingly similar to the Complainant's trademark and asserts that it has not authorized the Respondent to use that mark for any purpose. Given this prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name, it becomes incumbent upon the Respondent to come forward with evidence to rebut this prima facie case. [WIPO Overview 3.0](#), section 2.1; and see *Wal-Mart Stores, Inc. v. WalMart Careers, Inc.*, WIPO Case No. [D2012-0285](#) ("According to the consensus view of UDRP Panels, if such prima facie case is made, the burden of production shifts to the Respondent to come forward with appropriate allegations or evidence demonstrating rights or legitimate interests in the disputed domain name.").

Since the Respondent has failed to file a Response, the Panel will rely on the reasonable claims contained within the Complaint to determine if there exists a feasible rebuttal to the Complainant's prima facie case. See, *OSRAM GmbH. v. Mohammed Rafi/Domain Admin, Privacy Protection Service INC d/b/a PrivacyProtect.org*, WIPO Case No. [D2015-1149](#) ("The Respondent has not submitted a response to the Complaint, in the absence of which the Panel may accept all reasonable inferences and allegations in the Complaint as true.").

In conducting its analysis, the Panel will consider whether Policy paragraph 4(c), which lists three possible criteria that can individually sustain a respondent's rightful possession of a disputed domain name, might apply in this case. The disputed domain name consists of the Complainant's trademark and a term "careers", which could easily be applied to routine operating and management services employed by the Complainant. Regarding the initial criterion, the Panel accepts the evidence provided by the Complainant that the Respondent is using the disputed domain name to create email messages which suggest erroneously that they are sent by employees of the Complainant. Consequently, the Panel concludes that the disputed domain name is not being used in connection with "a bona fide offering of goods or services" pursuant to paragraph 4(c)(i) of the Policy. See *Dewberry Engineers Inc. v. Peggy Cumberledge, Island Service*, WIPO Case No. [D2020-0346](#) ("Accordingly, an email sent from the Domain Name has the potential to deceive Internet users familiar with the Complainant's Mark, and thus could not be viewed as a bona fide use of the Domain Name.").

Moreover, the Panel can detect no reason to believe that the Respondent, Maxime Lafleur, Uro, has ever been commonly known as the disputed domain name <nuvationbiocareers.com>, so Policy paragraph 4(c)(ii) also does not apply. Finally, the Panel finds that the above-referenced bogus email usage of the disputed domain name by the Respondent fails to conform to "a legitimate noncommercial or fair use" of the disputed domain name per Policy paragraph 4(c)(iii) of the Policy. See *Solvay SA v. Des Jo*, WIPO Case No. [D2021-2105](#) ("The evidence in the file shows that such email communications convey the impression that the sender is associated with Complainant. Such use demonstrates neither a bona fide offering of goods or services nor a legitimate noncommercial or fair use of the disputed domain name."). Therefore, the Panel determines that Policy paragraph 4(c) does not apply in this case and, as a result, the Respondent has failed to rebut the Complainant's prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

Accordingly, the Panel finds the second element of the Policy, paragraph 4(a)(ii), has been established by the Complainant.

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

The Panel notes that, while paragraph 4(b) of the Policy gives four nonexclusive circumstances that indicate that a disputed domain name was registered and is being used in bad faith, other circumstances may be cited in determining whether a respondent's registration and use of a domain name is in bad faith. See [WIPO Overview 3.0](#), section 3.2.1.

Above, the Panel has concluded that the disputed domain name is confusingly similar to the Complainant's validly registered trademark. With respect to likely bad faith circumstances emanating from this confusion, the Complainant alleges, supported by evidence, that the Respondent registered the disputed domain name for use in sending emails to Internet users while explicitly posing as senior managers and other employees of the Complainant. Further, the Complainant reasonably asserts that those emails may ultimately be utilized (e.g., through further phony email exchanges, perjured phone calls, bogus Internet/zoom interviews, etc.) to elicit sensitive personal and financial information from those Internet users. Since the Respondent has not filed a Response that might contradict these claims, the Panel finds that such use of the disputed domain name by the Respondent constitutes bad faith registration and use. See *Niantic, Inc. v. Privacy service provided by Withheld for Privacy ehf / Redde reddy*, WIPO Case No. [D2021-3801](#) ("The Respondent's phishing scheme to send fraudulent emails purporting to come from the Complainant's recruiters seeking sensitive personal and financial information from unsuspecting job applicants [...] is symbolic of the Respondent's bad faith registration and use of the Disputed Domain Name."); and *Syngenta Participations AG v. Guillaume Texier, Gobain Ltd*, WIPO Case No. [D2017-1147](#) ("Sending fraudulent emails from a confusingly similar domain name as the Complainant's domain name is sufficient evidence of bad faith.").

Therefore, the Panel finds that the Complainant has demonstrated that the disputed domain name was registered and is being used in bad faith per 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, <nuvationbiocareers.com>, be transferred to the Complainant.

*/Dennis A. Foster/*

**Dennis A. Foster**

Sole Panelist

Date: August 19, 2025