

ADMINISTRATIVE PANEL DECISION

Gilead Sciences, Inc. v. Alex Knight
Case No. D2025-3147

1. The Parties

Complainant is Gilead Sciences, Inc., United States of America ("United States"), internally represented.

Respondent is Alex Knight, United States.

2. The Domain Name and Registrar

The disputed domain name <gileadkite.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 August 6, 2025. On August 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 8, 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 Complainant on August 8, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on August 15, 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 Respondent of the Complaint, and the proceedings commenced on August 21, 2025. On August 29, 2025, per Complainant's request, the proceedings were suspended. On October 21, 2025, the proceedings were reinstituted pursuant to Complainant's request.

In accordance with the Rules, paragraph 5, the due date for Response was November 3, 2025. Respondent sent email communications to the Center on August 15 and 28, 2025.

The Center appointed Georges Nahitchevansky as the sole panelist in this matter on November 6, 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, Gilead Sciences, Inc., is a biopharmaceutical company based in California, United States. Complainant develops, manufactures and offers for sale various pharmaceutical products, and also provides medical information services. Complainant owns and uses the mark GILEAD in connection with its products and services and owns several registrations for the GILEAD mark. These include, inter alia, a registration for GILEAD in the United States (No. 3,251,595) that issued to registration on June 12, 2007, and a European Union trademark registration for GILEAD (No. 003913167) that issued to registration on November 7, 2005. Complainant also owns and uses the domain name <gilead.com> for a website concerning Complainant and products and services. Complainant also owns a portfolio of domain names that include the name and mark GILEAD.

In 2017, Complainant acquired the company Kite Pharma, Inc., which also provides pharmaceutical products and medical information. Complainant's Kite Pharma company continues to operate under the names and marks KITE and KITE PHARMA. Complainant owns, through its Kite Pharma company, several registrations for its KITE marks. These include, inter alia, a registration for KITE in the United States (Registration No. 6,108,120) that issued to registration on July 21, 2020, and a European Union registration for KITE PHARMA (No. 13843206) that issued to registration on July 21, 2025. Complainant's Kite Pharma Company also owns and uses the domain name <kitepharma.com> for a website concerning its products and services.

Respondent appears to be based in United States. Respondent registered the disputed domain name on June 18, 2025. At some point after registering the disputed domain name, Respondent used such with a Registrar generated web page with the title "Soaring to New Heights" and a "Contact Us" form asking for a user's name and email address. Currently, the disputed domain name resolves to a Registrar landing page.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Specifically, Complainant contends that its GILEAD name and mark is well-known, particularly on account of several of its products which prevent and treat HIV infection and which cure hepatitis C. Complainant maintains that it has strong rights in the GILEAD name and mark based on the success of its products and through its many registrations for the GILEAD name and mark. Complainant also maintains that it has strong rights in the name and mark KITE on account of the innovative technology developed by its Kite Pharma company for the treatment of cancer and through its several registrations for the KITE and KITE PHARMA marks.

Complainant asserts that the disputed domain name is confusingly similar to its GILEAD mark as the disputed domain name fully incorporates that mark and is followed by the name of its wholly owned subsidiary. Complainant also asserts that Respondent does not have rights or a legitimate interest in the disputed domain name as Respondent (i) is not associated or affiliated with Complainant, (ii) has no license to use or register a domain name with the GILEAD and KITE marks, and (iii) is not making a bona fide offering of good or services or a legitimate noncommercial or fair use. In that regard, Complainant notes that the disputed domain name has been used for a web page that showed a photograph of "an aircraft engine

with an airplane flying in the background” with the words “Soaring to New Heights” superimposed. Complainant also notes that the website included a chat box and contact form.

Lastly, Complainant argues that Respondent has acted in bad faith as Respondent intentionally registered a domain name that uses both the well-known GILEAD and KITE marks which is likely to “create the impression among users that the Domain is owned by Complainant,” and has used the disputed domain name with a web page that “directs diverted Internet users to send messages and possibly disclose personal information for some illegitimate purpose, such as collecting personal health data.”

B. Respondent

Respondent did not formally reply to Complainant’s contentions. Respondent, however, sent the Center an email on October 15, 2025 in which Respondent rejected Complainant’s claims. In that email, Respondent asserts that “the domain is used for small aircrafts/specialized kite hobbyist.” Respondent further maintains that the disputed domain name does not “violate any patent/trademarks or represent any confusion of conflict with Gilead and or [sic] Kite Pharma”.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

- (i) the disputed 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 disputed domain name; and
- (iii) the disputed 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.

Complainant has shown rights in its GILEAD and KITE marks for purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. Here, the GILEAD and KITE marks are fully incorporated in and are the only elements in the disputed domain name. As such, because Complainant’s marks are clearly recognizable in the disputed domain name, the Panel finds that for purposes of the first element the disputed domain name is confusingly similar to Complainant’s GILEAD and KITE marks.

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 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. 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 disputed domain name such as those enumerated in the Policy or otherwise.

Here, Respondent asserts without submitting any evidence that "the domain is used for small aircrafts/specialized kite hobbyist." Such conclusory and unsubstantiated statement is entitled to no weight, particularly as the only evidence before the Panel concerning the use of the disputed domain name is for a web page that appears to be an AI generated page from the Registrar, GoDaddy. By the same token, the Panel rejects Complainant's unsubstantiated and conclusory assertion that the web page at the disputed domain name is being used to divert and direct "Internet users to send messages and possibly disclose personal information for some illegitimate purpose, such as collecting personal health data." Complainant has not provided evidence that would substantiate that claim or showing that the AI generated page posted by GoDaddy at the disputed domain name is even being used for such a purpose.

That being all said, the Panel notes that "Gilead" has a common meaning beyond Complainant's biopharmaceutical company. Gilead is commonly used to refer to a historic, mountainous region east of the Jordan river in the Bible. It is also the name of theocratic state in Margaret Atwood's popular fictional book "The Handmaid's Tale". Similarly, the word "kite" is a common word used for a flying object that consists of a light frame covered with paper, cloth or other material.

Notwithstanding that "Gilead" and "kite" are common terms, the combination of the two is certainly not common and there is no evidence before the Panel that supports such a contention. The only use a simple Internet search shows of the combination of "Gilead" and "kite" is for Complainant's Gilead Sciences company and its wholly owned subsidiary Kite Pharma. Given that Respondent provided no evidence to support its claim of using the disputed domain name for "small aircrafts/specialized kite hobbyist" and did not file a formal response, it appears more likely than not that the disputed domain name was registered by Respondent based on Complainant's GILEAD and KITE names and marks. Indeed, the disputed domain name as constituted carries a risk of implied affiliation and is likely to be seen by consumers as related or connected to Complainant and its Kite Pharma Company. As such, the Panel finds Respondent to have no rights or legitimate interests in the disputed domain name. [WIPO Overview 3.0](#) at section 2.5.1.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for 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.

In view of Respondent's actions, and failure to file a formal response with any evidence supporting its conclusory claim, it is easy to infer that Respondent's registration and use of the disputed domain name, which is clearly based on Complainant's GILEAD and KITE marks has been done opportunistically and in bad faith for the benefit or profit of Respondent. The disputed domain name on its face suggests a connection to Complainant and its Kite Pharma company and was registered well after Complainant had established rights in both its GILEAD and KITE marks.

In all, Respondent's actions make it more likely than not that Respondent was fully aware of Complainant and its GILEAD and KITE names and marks when it registered the disputed domain name that combines the two terms for Respondent's benefit.

The Panel thus finds that 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 <gileadkite.com> be transferred to Complainant.

/Georges Nahichevansky/

Georges Nahichevansky

Sole Panelist

Date: November 15, 2025