

ADMINISTRATIVE PANEL DECISION

Gilead Sciences, Inc. v. Andrew Gardner
Case No. D2025-3241

1. The Parties

The Complainant is Gilead Sciences, Inc., United States of America (“United States”), self-represented.

The Respondent is Andrew Gardner, Jamaica.

2. The Domain Name and Registrar

The disputed domain name <gileadco.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 13, 2025. On August 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 13, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 18, 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 August 18, 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 August 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 11, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 16, 2025.

The Center appointed Taras Kyslyy as the sole panelist in this matter on September 22, 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, founded in 1987 in Foster City, California, is a biopharmaceutical company. The Complainant discovers, develops and commercializes innovative medicines in areas of unmet medical need. In 2024, the Complainant's total worldwide revenue was approximately USD 28.8 billion. In 2024 the Complainant was listed as #154 in the Fortune 500 Companies rankings. The Complainant is regularly listed in the Fortune 500 Companies and Forbes' World's Best Employers rankings. The Complainant develops, manufactures, and offers for sale pharmaceutical products which prevent or treat HIV infection or products which cure hepatitis C. The Complainant is a member of the S&P 500 and employs approximately 18,000 individuals worldwide.

The GILEAD mark serves as identifier of the Complainant, the company, as well as its various goods and services such as its pharmaceutical medications, health information and education services, and its pharmaceutical research and charitable services.

The Complainant owns exclusive rights to the GILEAD trademark secured by over 178 trademark registrations around the world, including for instance the United States registration No. 3251595, registered on June 12, 2007.

The Complainant is also the owner of the domain name <gilead.com>, which was registered on May 27, 1995 and has been used since as early as 1997 in connection with pharmaceutical products and related medical services.

The disputed domain name was registered on July 4, 2025 and resolves to a parked webpage of the Registrar.

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 is identical or confusingly similar to the Complainant's trademark. The Complainant's trademark is entirely reproduced in the disputed domain name. The addition of the term "co"—a common abbreviation for "company"—does nothing to dispel confusion, as the Complainant's trademark remains the obvious textual component of the disputed domain name. In relation to the applicable generic Top-Level Domain ("gTLD") ".com" suffix in the disputed domain name, it is a consensus view that it is usually disregarded under the confusing similarity test.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not associated or affiliated with the Complainant. The Complainant has not granted any rights to the Respondent to use the Complainant's trademark, whether a license to sell any products or offer any services, or any rights to register the disputed domain name. There is no indication that the Respondent is commonly known by the disputed domain name. The Respondent's strategy for registering the disputed domain name to capture and divert Internet search engine queries made by individuals seeking the Complainant's genuine pharmaceutical products is clear on its face based on the registration of the disputed domain name containing the entirety of the Complainant's trademark. The Respondent's use of the disputed domain name to generate revenue via pay-per-click ads does not constitute a legitimate noncommercial or fair use. The Complainant's trademark is so well known and recognized that there can be no legitimate use by the Respondent. The Respondent's registration of the disputed domain name can be seen for no other purpose than wrongfully diverting traffic for commercial gain, which on its face shows a lack of any rights or legitimate interests in the disputed domain name. The Respondent's attempt to conceal its identity further evidences the Respondent's lack of a legitimate interest in and to the disputed domain name.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. When viewing the totality of the circumstances, the following acts by the Respondent overwhelmingly demonstrate bad faith registration and use: 1) intentionally registering the disputed domain name consisting solely of the Complainant's trademark; 2) purposefully registering the disputed domain name with search terms to divert Internet users; 3) using a privacy shield; 4) using pay-per-click ads on a parked site to generate ad revenue; and 5) registering the disputed domain name incorporating the Complainant's trademark without any legitimate use. The Respondent had constructive knowledge of the Complainant's trademark and its rights due to the Complainant's longstanding worldwide trademark registrations covering the Complainant's trademark.

B. Respondent

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

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 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, "co" 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

Paragraph 4(c) of the Policy provides a list of circumstances in which the 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 the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. 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 available evidence does not confirm that the Respondent is commonly known by the disputed domain name, which could demonstrate its rights or legitimate interests (see, e.g., *World Natural Bodybuilding Federation, Inc. v. Daniel Jones TheDotCafe*, WIPO Case No. [D2008-0642](#)).

The Complainant did not license or otherwise agree for use of its prior registered trademarks by the Respondent, thus no actual or contemplated bona fide or legitimate use of the disputed domain name could be reasonably claimed (see, e.g., *Sportswear Company S.P.A. v. Tang Hong*, WIPO Case No. [D2014-1875](#)).

The use of a domain name to host a parked page comprising pay-per-click links does not represent a bona fide offering. [WIPO Overview 3.0](#), section 2.9. The Panel notes that the links on the website at the disputed domain name are related to the Registrar's service. These may be considered as pay-per-click links or simply links advertising the Registrar's service, in either case, the registration and use of a domain name comprising a famous trademark for such purposes would not give rise to rights or legitimate interests under the Policy.

Noting the high risk of implied affiliation between the disputed domain name and the well-known trademark of the Complainant, the Panel finds that there is no plausible fair use to which the disputed domain name could be put that would not have the effect of being somehow connected to the Complainant (see, e.g., *Instagram, LLC v. Super Privacy Service LTD c/o Dynadot / Zayed*, WIPO Case No. [D2019-2897](#)).

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

C. Registered and Used in Bad Faith

The Panel notes that, for the 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 the present case, the Panel notes that the Respondent registered the disputed domain name reproducing the Complainant's trademark. The mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. The Panel is convinced that the Complainant's trademark is well established through long and widespread use and the Complainant has acquired a significant reputation and level of goodwill in its trademark both in the United States and internationally. Thus, the Panel finds that the disputed domain name confusingly similar to the Complainant's trademark was registered in bad faith. [WIPO Overview 3.0](#), section 3.1.4.

According to paragraph 4(b)(iv) of the Policy the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith: by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your 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 your website or location or of a product or service on your website or location. By using the disputed domain name to host a parking page, the Respondent creates a likelihood of confusion with the Complainant's trademark and potentially obtains revenue from this practice. Under such circumstances the Panel finds that the disputed domain name is being used in bad faith. [WIPO Overview 3.0](#), section 3.1.4.

The Panel finds that the 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 <gileadco.com> be transferred to the Complainant.

/Taras Kyslyy/

Taras Kyslyy

Sole Panelist

Date: September 29, 2025