

ADMINISTRATIVE PANEL DECISION

Boston Scientific v. Go Erwin

Case No. D2025-3928

1. The Parties

The Complainant is Boston Scientific, United States of America (“United States”), represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Go Erwin, Indonesia.

2. The Domain Name and Registrar

The disputed domain name <endochoice.com> is registered with Retail Domains, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 26, 2025. On September 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 2, 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”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on October 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 26, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 2, 2025.

The Center appointed Willem J. H. Leppink as the sole panelist in this matter on November 10, 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 following facts are undisputed.

The Complainant, founded in 1979, is a biotechnology and biomedical engineering firm headquartered in Marlborough, Massachusetts. The Complainant's core business includes: Cardiac Rhythm Management, Electrophysiology, Endoscopy, Interventional Cardiology Therapies, Neurmodulation, Peripheral Interventions and Urology. The Complainant invests annually over USD 1 billion in research and development. The Complainant has 53,000 employees globally and in 2024 treated more than 44 million patients worldwide with net sales reaching USD 16.7 billion.

The company Endochoice, Inc., was an Alpharetta, Georgia based company focused on the development and commercialization of infection control products, pathology services and single-use devices for specialists treating a wide range of gastrointestinal (GI) conditions. The Company was founded in 2008. In 2016, Complainant announced its acquisition of Endochoice, Inc. for a total of USD 210 million.

The Complainant and its subsidiary Endochoice, Inc. own various trademark registrations for the ENDOCHOICE trademark, inter alia the Canadian trademark registration no. TMA844124 for the word mark ENDOCHOICE registered on February 21, 2013 for goods and services in classes 10 and 21 and the Chinese trademark registration no. 10811179 for the word mark ENDOCHOICE registered on July 21, 2013 for goods and services in class 37.

The Complainant was the owner of the disputed domain name, which was linked to the official website of Endochoice, Inc. The disputed domain name was actively used for many years since at least 2008 in relation to its services. In April 2025, the registration of the disputed domain name inadvertently lapsed.

The Complainant and its ENDOCHOICE trademark are known internationally. The Complainant has marketed and sold its goods and services using this trademark since 2008, which is well before the Respondent's registration of the disputed domain name.

The disputed domain name was registered on May 5, 2025. The disputed domain name resolved to a website where the Complainant's official website was kept live by the Respondent, even though the Complainant no longer had access to the handles linked to the disputed domain name.

The Complainant sent several cease and desist letters to the Respondent after which subsequently the disputed domain name became an inactive / parked page with the "under maintenance" message displayed. The disputed domain name currently still resolves to this inactive / parked website. The Respondent did not reply to any of the cease and desist letters which were sent by the Complainant.

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 the following.

The disputed domain name is identical to the ENDOCHOICE trademark as it comprises the trademark in its entirety and consists solely of the trademark.

Moreover, the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not sponsored nor affiliated with the Complainant. The Complainant has not given the Respondent any permission, such as a licenses or authorizations, to use the Complainant's trademarks.

The Complainant further contends that the Respondent is also not commonly known by the disputed domain name, thus there is no indication of legitimate interest in the registration of the disputed domain name.

The disputed domain name was registered very briefly after the lapse of the disputed domain name registration previously owned by the Complainant. Following the lapse and registration by the Respondent of the disputed domain name, the Respondent purposely kept the Complainant's official website content live, even though the Complainant no longer had access to the handles linked to the disputed domain name. Thus, the Respondent's conduct was highly deceitful and more likely than not was aiming to fool the Internet users into believing that the disputed domain name and the linked website were still associated with the Complainant.

Further to the Complainant's cease and desist letters to the Respondent, the disputed domain name currently resolves to an inactive / parked website with the "under maintenance" message displayed.

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 Complainant is considered to also to have rights in relation to the trademarks or service marks owned by its subsidiaries, such as Endochoice, Inc. See [WIPO Overview 3.0](#), section 1.4.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 Respondent registered the disputed domain name following the lapse of the disputed domain name, creating a possibility for the Respondent to obtain the disputed domain name. Moreover, as not rebutted by the Respondent, the Respondent continued to use the Complainant's official website (originally) linked to the disputed domain name. As such this was creating the impression of the disputed domain name still being operated by the Complainant and thus impersonating the Complainant.

Panels have held that the use of a domain name for illegal activity here, impersonation/passing off, or other types of fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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

C. Registered and Used in Bad Faith

The Panel refers to its considerations under section 6.B of this Decision.

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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

The disputed domain name initially resolved to a page identical to the website the Complainant was operating before the lapse of the disputed domain name, creating an impression that it was still operated by the Complainant. Following the issuance of cease-and-desist letters to the Respondent, the disputed domain name subsequently resolved to a parked webpage displaying a notice indicating that the site was "under maintenance". The Panel finds that the Respondent's registration and use of the disputed domain name in such a manner demonstrates registration and use in bad faith pursuant to paragraph 4(b)(iv) of the Policy, because the Respondent is intentionally attempting to attract Internet users to the website to which the disputed domain name resolves for commercial gain by creating a likelihood of confusion with the Complainant's mark and the Complainant. In the present case, the Panel notes that the Complainant and its activities were clearly known to the Respondent and the Respondent has sought to benefit himself with the Complainant's success, possibly with the risk of using the disputed domain name and any associated email addresses for phishing or fraudulent purposes.

Panels have found that the non-use of a domain name (including a blank or "under maintenance" message), would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Here, noting the distinctiveness of the Complainant's mark, the composition of the disputed domain name, and the prior use of the disputed domain name, the current passive holding of the disputed domain name does not prevent a finding of bad faith.

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 <endochoice.com> be transferred back to the Complainant.

/Willem J. H. Leppink/
Willem J. H. Leppink
Sole Panelist
Date: November 24, 2025