

ADMINISTRATIVE PANEL DECISION

Abena Holding A/S v. shaun miglore, ION Management
Case No. D2025-3985

1. The Parties

The Complainant is Abena Holding A/S, Denmark, represented by Patrade Legal ApS, Denmark.

The Respondent is shaun miglore, ION Management, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <epiprotect.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 September 30, 2025. On October 1, 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 disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 7, 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 amended Complaint on October 7, 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 the Respondent of the Complaint, and the proceedings commenced on October 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 30, 2025. The Response was filed with the Center on October 17, 2025.

The Center appointed Steven A. Maier 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

The Complainant is a company registered in Denmark. It is the owner of various trademark registrations for the mark EIPROTECT, including the following:

- Sweden trademark registration number 515630 for the word mark EIPROTECT, registered on November 1, 2013 for adhesive plasters, bandaging for dressings and related products in International Classes 5 and 10;
- Denmark trademark registration number VR 2025 00349 for the word mark EIPROTECT, registered on March 29, 2025 for adhesive strips for dressings (medicinal), bandages for dressings and related products in International Classes 5 and 10; and
- International trademark registration number 1873383 for the word mark EIPROTECT, registered on May 25, 2025 for adhesive strips for dressings (medicinal), bandages for dressings and related products in International Classes 5 and 10.

The disputed domain name was registered on September 22, 2016.

No active use appears to have been made of the disputed domain name.

5. Parties' Contentions

A. Complainant

Save for providing details of its trademark registrations (and a number of similar pending applications), the Complainant offers no information concerning its use of the EIPROTECT trademark.

The Complainant submits that the disputed domain name is identical to its EIPROTECT trademark.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it has never licensed or authorized the Respondent to use its EIPROTECT trademark, that the Respondent has no trademark rights in, and has not commonly been known by, a name corresponding to the disputed domain name, and that the Respondent is not making any bona fide commercial use or legitimate noncommercial or fair use of the disputed domain name. The Complainant asserts that the passive holding of the disputed domain name, even with a possible view to resale, does not give rise to rights or legitimate interests for the purposes of the Policy.

The Complainant submits that the disputed domain name was registered and is being used in bad faith. It contends that the Respondent can have had no legitimate reason for registering the disputed domain name, and can have done so only for the purpose of selling it to the corresponding trademark owner.

The Complainant asserts that, in a case of the passive holding of a domain name, there are four factors to be considered in the assessment of registration and use of the domain name in bad faith (see paragraph 3.3 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"). Those factors, and the Complainant's submissions upon them, are as follows:

(1) The degree of distinctiveness or reputation on the complainant's mark. The Complainant states that its EIPROTECT mark is distinctive by virtue of being an invented term.

(2) The failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use. The Complainant submits that the Respondent has provided no such information, and that the Wayback Machine does not indicate any use of the disputed domain name since its registration.

(3) The respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement). The Complainant contends that the Respondent has concealed his identity and exhibits a Whois search against the disputed domain name which lists the registrant as "Registration Private".

(4) The implausibility of any good-faith use to which the disputed domain name may be put. The Complainant repeats that there is no evidence of any actual or contemplated good-faith use of the disputed domain name.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

The Respondent states that he is a doctor practicing in the United States, and that he has been involved in over 30 business ventures. He submits that he registered the disputed domain name in 2016 for use in connection with a proposed epinephrine delivery and safety product, and that he also registered the domain names <epiright.info> and <epi911.com> at the same time. The Respondent states that the term "epi" is a common shorthand for epinephrine, which appears in hundreds of domain names and trademarks in the medical field, and that the word "protect" is a descriptive term.

The Respondent states that he registered the domain names in question in connection with a spike in the cost and ability of patients to obtain EpiPens in the United States in 2016. He exhibits contemporaneous press coverage to that effect. He states that he was delayed in launching the epinephrine business owing to regulatory issues and other business interests, but submits that this does not diminish the fact that he registered the disputed domain name in good faith for the purpose of a proposed business venture.

The Respondent contends that he registered the disputed domain name some nine years prior to the Complainant's registration of its Denmark trademark (the Respondent makes no reference to the Complainant's Sweden trademark registered in 2013). He states that he had never heard of the Complainant or its business until his receipt of the Complaint in this proceeding.

The Respondent submits that the Complainant was free to register the disputed domain name itself but did not do so, and that the UDRP does not provide a facility for a company retroactively to correct its failure to secure a domain name. He states that he heard nothing from the Complainant for nine years after registering the disputed domain name, and seeks a finding of Reverse Domain Name Hijacking against the Complainant.

6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the 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

The Complainant has established that it is the owner of registered trademark rights in the mark EPIPROTECT. The disputed domain name is identical to that trademark, ignoring the generic Top-Level Domain “.com” which may be disregarded for the purposes of comparison.

The Panel therefore finds that the disputed domain name is identical to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

In view of the Panel’s findings in respect of the third element under the Policy, as discussed below, the Panel does not consider it necessary to reach a determination concerning the issue of the Respondent’s rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

In order to establish that the disputed domain name was registered in bad faith, it is necessary for the Complainant to demonstrate, on the balance of probabilities, that the Respondent was aware of its trademark when he registered the disputed domain name, and that he registered it with the intention of taking unfair advantage of the goodwill attaching to that trademark.

In this case, the Panel finds there to be no basis to find, or to infer, that the Respondent was aware of the Complainant’s trademark when he registered the disputed domain name. At that time, in 2016, the Complainant owned only its Sweden trademark registration and, as the Panel has observed above, it has provided no information whatsoever concerning its use in commerce of that trademark (whether by that date or subsequently). It is well-established in prior cases under the UDRP that (save in a limited category of cases which has no application to this proceeding) a respondent is not deemed to have “constructive notice” of a trademark registration alone (see paragraph 3.2.1 of [WIPO Overview 3.0](#)). In these circumstances, it is incumbent on a complainant to come forward with evidence of the history, use and public profile of its trademark, including such matters as, e.g., geographical presence, revenues, promotional spend, industry recognition, and social media, in order to demonstrate that the respondent was likely to have been aware of its trademark.

Not only has the Complainant offered no such evidence in this case, but based on the Panel’s own limited review of the Complainant’s website at “[www.epiprotect.se](#)”,¹ the Complainant states that its EPIPROTECT product was launched in 2024. While the website also refers to scientific studies that pre-date that launch, the earliest of these that refers to the mark EPIPROTECT appears to be dated 2018.

With regard to the Respondent’s submissions, the Panel finds it credible that the Respondent could have registered the disputed domain name, in conjunction with two other “epi”-related domain names,² in connection with a proposed epinephrine delivery product. While the Complainant claims the EPIPROTECT mark to be distinctive, owing to it being an invented term, the Panel observes nevertheless that the term “epi” is in common use in the medical field and that its combination with the dictionary term “protect” does not result in a mark capable of referring only to the Complainant’s product.

Concerning the four factors correctly identified by the Complainant as being relevant to the question of bad faith in connection with a passive domain name registration:

¹ As noted in section 4.8 of [WIPO Overview 3.0](#), a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision.

² While the Respondent’s evidence in respect of these two registrations is incomplete, Whois searches against the domain names show that both were registered on the same day, and with the same registrar, as the disputed domain name.

(1) The degree of distinctiveness or reputation on the complainant's mark. For the reasons stated above, the Panel does not find the Complainant's EIPROTECT mark to be notably distinctive. Nor has the Complainant tendered any evidence of the reputation of that mark.

(2) The failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use. The Respondent submitted a Response within the time specified by the Rules. While the Respondent has not exhibited evidence of any preparations connected with his anticipated venture (other than the registration of two other complementary domain names), the Panel has found nevertheless that his stated intentions are credible.

(3) The respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement). As registrars commonly provide a privacy or proxy service in connection with a domain name registration, the Panel does not consider the use of such a service to be in itself an indicator of bad faith. In this case, there is no evidence that the Respondent provided false contact details to the Registrar, and the Registrar promptly disclosed those details in connection with the proceeding.

(4) The implausibility of any good-faith use to which the disputed domain name may be put. Having regard to the limited distinctiveness of the Complainant's trademark, the lack of any evidence of the reputation of that trademark, and the Respondent's submissions as to his intentions concerning the disputed domain name, the Panel does not consider it to be implausible that the disputed domain name could be put to good-faith use.

In the circumstances, the Complainant has failed to meet its burden of establishing that the disputed domain name was registered and is being used in bad faith.

D. Reverse Domain Name Hijacking

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the complaint is not, on its own, sufficient to constitute reverse domain name hijacking: [WIPO Overview 3.0](#), section 4.16.

The Respondent requests a finding of Reverse Domain Name Hijacking based, at least in part, on the premise that the disputed domain name was registered some nine years prior to the Complainant's earliest trademark registration. However, this disregards the Complainant's Sweden trademark registration dated 2013, which therefore preceded by three years the Respondent's registration of the disputed domain name. In view of this, and of the fact that the disputed domain name is identical to that 2013 trademark, the Panel declines to make a finding of Reverse Domain Name Hijacking.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: November 20, 2025