

ADMINISTRATIVE PANEL DECISION

Modernatx, Inc. v. Carolina Rodrigues, Fundacion Comercio Electronico
Case No. D2025-4101

1. The Parties

Complainant is Modernatx, Inc., United States of America (“United States”), internally represented.

Respondent is Carolina Rodrigues, Fundacion Comercio Electronico, Panama.

2. The Domain Name and Registrar

The disputed domain name <modernabenefits.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 October 7, 2025. On October 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 9, 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 (Name Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 9, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on October 10, 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 Respondent of the Complaint, and the proceedings commenced on October 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 3, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on November 10, 2025.

The Center appointed Pascal Böhner as the sole panelist in this matter on November 13, 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, Modernatx, Inc., is a developer of mRNA medicines to treat and prevent diseases, including a COVID-19 vaccine that was launched in 2021. Complainant owns numerous trademark registrations for the MODERNA mark around the world.

In particular, Complainant owns several United States trademark registrations for MODERNA, including Registration Nos. 4659803 (registered December 23, 2014), 4675783 (registered January 20, 2015), 4811834 (registered September 15, 2015), and 5543197 (registered August 21, 2018).

Complainant operates its corporate website at “www.modernatx.com”, a domain name registered on September 7, 2010. Complainant has not authorized Respondent to use the MODERNA mark in any capacity.

The disputed domain name <modernabenefits.com> was registered on March 18, 2025, through the Registrar NameCheap, Inc. The publicly available Whois initially showed the registrant as “Redacted for Privacy”. Following the Registrar’s verification, the underlying registrant was identified as Carolina Rodrigues, Fundacion Comercio Electronico, with an address in Panama.

The disputed domain name has been used to direct visitors to “security alert” pages that vary depending on the device used to access it. When accessed from a mobile device, the disputed domain name directs to a page displaying false virus warnings; when accessed from a MacBook, it redirects to a page imitating “MacOS Security Center”; and when accessed from a Windows PC, it displays a landing page with a “Security Check” heading and a download button. Technical records show the disputed domain name is configured with valid Mail Exchange “MX” and SPF records but no DMARC policy, enabling email transmission without standard authentication controls.

Complainant has provided evidence that Respondent has been the subject of multiple prior UDRP proceedings where similar conduct was found. These include *Ford Motor Company v. Cunshuo Zhang, Jiangli Yihuanlu, Carolina Rodrigues, Fundacion Comercio Electronico, Domain Admin, Tropic Management, Shi Lei, Debra Morrison, Niche Tech, mcd wrapoftheday, Domain Privacy, Domain Name Privacy Inc, Pramod Buldak*, WIPO Case No. [D2025-1578](#); *Pillsbury Winthrop Shaw Pittman LLP v. Wanfeng Lu / Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2025-1576](#); *DNV AS v. Carolina Rodrigues*, WIPO Case No. [D2025-2518](#); and *Asurion, LLC v. Carolina Rodrigues*, WIPO Case No. [D2023-3304](#). In these cases, Respondent was found to have registered domain names that impersonate well-known companies and point to “security check” or malware-likely pages, matching the pattern alleged in the present case.

Written Notice sent by courier to Respondent’s disclosed address was reported undeliverable due to a “bad address”. Respondent did not submit any response in these proceedings.

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.

Regarding the first element, Complainant argues that the disputed domain name is confusingly similar to its MODERNA trademark as it incorporates the MODERNA mark in its entirety with the addition of the descriptive term “benefits”. Complainant asserts that this addition does not prevent a finding of confusing similarity.

Concerning the second element, Complainant maintains that Respondent lacks rights or legitimate interests in the disputed domain name because: (i) Respondent has no license or authorization from Complainant to use the MODERNA mark; (ii) Respondent has not been commonly known by the disputed domain name; (iii) Respondent has not made any bona fide offering of goods or services; and (iv) Respondent's use of the disputed domain name to redirect users to fabricated security alerts cannot constitute legitimate use.

On the third element, Complainant argues that Respondent registered and is using the disputed domain name in bad faith to capitalize on the fame of the MODERNA mark, with the intent to confuse consumers and impersonate Complainant. Complainant contends that Respondent's registration of the disputed domain name well after Complainant established its trademark rights demonstrates opportunistic bad faith. Complainant further points to Respondent's pattern of similar conduct in multiple prior UDRP proceedings as evidence of bad faith under paragraph 4(b)(ii) of the Policy.

B. Respondent

Respondent did not reply to Complainant's contentions.

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; and
- (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 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 MODERNA mark for purposes of the Policy through its registered trademark rights. The disputed domain name <modernabenefits.com> wholly incorporates Complainant's MODERNA mark as its dominant and distinctive element, with the mere addition of the term “benefits”.

Numerous UDRP panels have consistently held that the addition of a descriptive term to a complainant's trademark does not prevent a finding of confusing similarity. As stated in [WIPO Overview 3.0](#), section 1.8, "where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element".

The Panel therefore finds that the disputed domain name <modernabenefits.com> is confusingly similar to Complainant's MODERNA mark, and 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.

The evidence shows Respondent has used the disputed domain name to direct visitors to fabricated "security alert" pages displaying false virus warnings and prompting user action under deceptive pretenses. Panels have consistently held that the use of a domain name for illegitimate or deceptive activity such as phishing, distributing malware, 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 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.

Under the MODERNA name, Complainant has become one of the world's most recognized biotechnology companies. Respondent's registration of the disputed domain name incorporating Complainant's MODERNA trademark constitutes bad faith under [WIPO Overview 3.0](#), section 3.1.4, which recognizes that the mere registration of a domain name identical or confusingly similar to a widely known mark by an unaffiliated entity can itself create a presumption of bad faith.

Furthermore, the evidence clearly demonstrates Respondent registered the disputed domain name with knowledge of Complainant's trademark rights. The disputed domain name was registered on March 18, 2025, i.e. more than ten years after Complainant obtained its first United States registration for the MODERNA trademark and approximately fifteen years after Complainant registered the domain name that resolves to its corporate website. The deliberate selection of Complainant's well-known name, coupled with the addition of "benefits", demonstrates intentional targeting designed to mislead users and trade on Complainant's goodwill.

Regarding use in bad faith, the Panel finds that Respondent's redirection of the disputed domain name to various fabricated "security alert" pages constitutes bad faith under paragraph 4(b)(iv) of the Policy. These pages, which falsely purport to be legitimate system warnings, are clearly designed to alarm users and induce interaction under false pretenses. Such deceptive use constitutes an intentional attempt to attract, for commercial gain, Internet users to websites by creating a likelihood of confusion with Complainant's mark.

The Panel also notes Respondent's pattern of similar conduct in other UDRP proceedings. Respondent has previously been found to have registered domain names impersonating well-known entities and redirecting users to fabricated security alerts in the cases referenced in Section 4. This established pattern of conduct constitutes clear evidence of bad faith registration under paragraph 4(b)(ii) of the Policy.

Furthermore, the technical configuration of the disputed domain name (with valid SPF record, active MX record, and no DMARC policy) suggests Respondent has deliberately equipped the disputed domain name for potential email spoofing or phishing activities, further demonstrating bad faith.

The Panel 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 <modernabenefits.com> be transferred to Complainant.

/Pascal Böhner/
Pascal Böhner
Sole Panelist
Date: November 26, 2025