

## **ADMINISTRATIVE PANEL DECISION**

Metasin LLC v. Hulmiho Ukolen, Poste restante  
Case No. D2025-4147

### **1. The Parties**

The Complainant is Metasin LLC, United States of America ("United States"), internally represented.

The Respondent is Hulmiho Ukolen, Poste restante, Finland.

### **2. The Domain Name and Registrar**

The disputed domain name <emcrit.com> (the "Disputed Domain Name") is registered with Gransy, s.r.o. d/b/a subreg.cz (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 9, 2025. On October 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On October 14, 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 14, 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 October 14, 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 October 16, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 6, 2025.

The Center appointed Nick J. Gardner 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 Complainant is a Wyoming Limited Liability Company ("LLC"). It provides information and educational services relating to emergency and critical care medicine. It has used the brand name EMCrit since 2009 in connection with the EMCrit Podcast. Its principal website is linked to the domain name <emcrit.org> which it has also used since 2009. It is the proprietor of United States Trademark Registration No. 90713980, registered on May 15, 2022, for the term EMCrit (the "EMCRIT trademark"). Its brand is widely recognised by medical professionals in the United States.

The Disputed Domain Name was registered on September 27, 2001. It does not at present appear to resolve to an active website. The filed evidence shows it has previously resolved to what appears to be a parking page containing "Pay Per Click" ("PPC") links which appear to relate to medical services (see further below).

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant's contentions can be summarized as follows.

The Complainant claims trademark rights in EMCRIT, based on its registered trademark, and in common law usage since January 1, 2005.

The Disputed Domain Name is identical to the EMCRIT trademark.

The Respondent has no rights or legitimate interests in the Disputed Domain Name.

In consequence the Complainant alleges that the Disputed Domain Name was registered and is being used in bad faith. The Complainant says "the domain directs users to deceptive resources and malicious file downloads, creating significant risk to the public and damaging the Complainant's professional standing" (see further below).

##### **B. Respondent**

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

#### **6. Discussion and Findings**

##### **Preliminary Matters**

The Panel notes that no communication has been received from the Respondent. However, given the Notification of Complaint and Commencement of Administrative Proceedings and Written Notice were sent to the relevant addresses disclosed by the Registrar, then the Panel considers that this satisfies the requirement in paragraph 2(a) of the UDRP Rules to "employ reasonably available means calculated to achieve actual notice". Accordingly, the Panel considers it is able to proceed to determine this Complaint and to draw inferences from the Respondent's failure to file any Response. While the Respondent's failure to file a Response does not automatically result in a decision in favour of the Complainant, the Panel may draw appropriate inferences from the Respondent's default (see, e.g., *Verner Panton Design v. Fontana di Luce Corp*, WIPO Case No. [D2012-1909](#)).

## **Substantive Matters**

To succeed, in accordance with paragraph 4(a) of the Policy, the Complainant must satisfy the Panel that:

- (i) the Disputed Domain Name is identical with 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 rights in the EMCRIIT trademark. The Panel finds the Disputed Domain Name is identical to this trademark. It is well established that the generic Top-Level Domain (“gTLD”), in this case “.com”, does not affect the Disputed Domain Name for the purpose of determining whether it is identical or confusingly similar to the trademark. See, for example, *Rollerblade, Inc. v. Chris McCrady*, WIPO Case No. [D2000-0429](#).

Accordingly the Panel finds that the Disputed Domain Name is identical to the Complainant's trademark and hence the first condition of paragraph 4(a) of the Policy has been fulfilled.

### **B. Rights or Legitimate Interests**

Given the Panel's finding in relation to bad faith (see below) it is not necessary to determine this issue.

### **C. Registered and Used in Bad Faith**

The Complainant has to show that the Disputed Domain Name has been registered and is being used in bad faith. It is well established these requirements are conjunctive – the Complainant has to show that both registration and use are in bad faith. The difficulty the Complainant faces here is that the Disputed Domain Name was originally registered in 2001 - long before the Complainant's use of the brand since 2009 and still before 2005 if that year is considered based on the Complainant's apparent claim of common law rights. Of course if the Respondent acquired the Disputed Domain Name at some later date it is that later date which is treated as the date of registration – see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”) at section 3.8.1. Is this such a case? The Complainant does not address this issue properly. It states in the Complaint “This dispute concerns the domain name emcrit.com, created on [unknown]”. That is not an affirmative allegation that the Respondent acquired the Disputed Domain Name at some later date. It then goes on to say “The Respondent previously ignored repeated inquiries made by the Complainant beginning more than ten years ago and later transferred the domain to another entity operating under privacy protection”. If the transfer in question is simply to put in place a privacy shield (which is what the allegation appears to mean) then that would not normally be treated as a new registration – see [WIPO Overview 3.0](#) at section 3.9: “Where the respondent provides satisfactory evidence of an unbroken chain of possession, panels typically would not treat merely “formal” changes or updates to registrant contact information as a new registration”. The Panel does not consider that the facts of this case as alleged by the Complainant are sufficient to raise an inference that a change of registrant has occurred thus requiring the Respondent to rebut that inference. It accordingly follows that the Complainant has not made out any case that the Respondent obtained the Disputed Domain Name at some later date. The Panel therefore proceeds on the basis that the Respondent obtained the Disputed Domain Name when it was originally registered in 2001. That cannot amount to a registration in bad faith given the Complainant did not use the brand until eight years later and there is nothing in the record to suggest it had any nascent trademark rights prior to the registration of the Disputed Domain Name.

The Panel also does not think the evidence the Complainant has produced necessarily supports the allegation that the Respondent is responsible for directing users “to deceptive resources and malicious file downloads....”. The evidence exhibited comprises two screenshots. The first screenshot shows that the

Disputed Domain Name resolved to a PPC page containing three links entitled “Critical Care Course”, “Education Training”, and “Critical Care Research Topics”. The second screenshot appears to be a webpage at a different URL with a McAfee Total Protection message in the background and a pop-up window in the foreground warning of virus infection and displaying a button labelled “Renew Licence”. This evidence needs further explanation but the Panel infers the second screenshot was arrived at by following one of the links displayed on the first screenshot. The Panel thinks those links could be algorithmically generated without any input from the Respondent. As set out in the [WIPO Overview 3.0](#), section 3.5, while the fact that such links are generated by a third party would not necessarily prevent a finding of bad faith, the Panel finds this case fails due to the Complainant not showing that the Respondent registered the disputed domain name with knowledge and targeting the Complainant’s trademark.

Accordingly, the Panel finds that the Complainant has failed to establish that the Disputed Domain Name has been registered in bad faith and the third condition of paragraph 4(a) of the Policy has not been fulfilled.

## **7. Reverse Domain Name Hijacking**

Reverse Domain Name Hijacking (“RDNH”) is defined under the Rules as “using the Policy in bad faith to attempt to deprive a registered domain-name holder of a domain name”.

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 was brought primarily 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”.

As set out in the [WIPO Overview 3.0](#), section 4.16, reasons articulated by UDRP panels for finding RDNH include: (i) facts which demonstrate that the complainant knew it could not succeed as to any of the required three elements – such as the complainant’s lack of relevant trademark rights, clear knowledge of respondent rights or legitimate interests, or clear knowledge of a lack of respondent bad faith (such as registration of the disputed domain name well before the complainant acquired trademark rights; (ii) facts which demonstrate that the complainant clearly ought to have known it could not succeed under any fair interpretation of facts reasonably available prior to the filing of the complaint, including relevant facts on the website at the disputed domain name or readily available public sources such as the Whois database; (iii) unreasonably ignoring established Policy precedent notably as captured in this WIPO Overview – except in limited circumstances which prima facie justify advancing an alternative legal argument; (iv) the provision of false evidence, or otherwise attempting to mislead the panel; (v) the provision of intentionally incomplete material evidence – often clarified by the respondent; (vi) the complainant’s failure to disclose that a case is a UDRP refiling; (vii) filing the complaint after an unsuccessful attempt to acquire the disputed domain name from the respondent without a plausible legal basis; and (viii) basing a complaint on only the barest of allegations without any supporting evidence”.

On balance, the Panel considers the Complainant’s conduct warrants a finding of RDNH. The Complainant contends that it made some enquiries to the Respondent ten years ago. It has not explained to the Panel what those enquiries were or what it said to the Respondent. It has also not explained why it then did nothing for ten years. In any event having allowed ten years to elapse the Panel considers it was incumbent on the Complainant to carefully consider the record and explain properly the basis for its allegations of bad faith, particularly as to the registration in bad faith noting the circumstances of this case. Instead of doing so the Complaint stated “This dispute concerns the domain name emcrit.com, created on [unknown]”. That was not an accurate statement. The Complainant’s own evidence contained a publicly available Whois search very clearly showing the Disputed Domain Name was created on September 27, 2001. While the Complainant may have stated “unknown” to show doubts on the date of actual registration by the Respondent, the burden of proof under the Policy is on the Complainant to establish the requirements under paragraph 4(a) of the Policy. In the Panel’s opinion what derives from the reference to “[unknown]” is that the Complainant was unable to show any later date when the Respondent acquired the Disputed Domain Name. In these circumstances the Complainant should have appreciated the Complaint could not succeed.

Accordingly the Panel considers a finding of RDNH is warranted.

## **8. Decision**

For the foregoing reasons, the Complaint is denied. The Panel finds that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding.

*/Nick J. Gardner/*

**Nick J. Gardner**

Sole Panelist

Date: November 24, 2025