

## **ADMINISTRATIVE PANEL DECISION**

Mark I. Anderson, LLC v. Sofia Davidson, maianimalhealth  
Case No. D2025-4406

### **1. The Parties**

The Complainant is Mark I. Anderson, LLC, United States of America (“United States”), represented by PITT IP PLLC, United States.

The Respondent is Sofia Davidson, maianimalhealth, United States.

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

The disputed domain name <maianimalhealth.net> is registered with Tucows Domains Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 26, 2025. On October 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 27, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 28, 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 November 1, 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 November 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 24, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 1, 2025.

The Center appointed Joseph Simone as the sole panelist in this matter on December 5, 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, owns and operates a group of veterinary medical device manufacturing and supply companies under the name "MAI Animal Health". These companies offer products through a website using the Complainant's domain name <maianimalhealth.com>.

The Complainant has a portfolio of trade mark registrations in the United States incorporating the MAI ANIMAL HEALTH mark, including the following:

- United States Trade Mark Registration No. 4443398 for MAI ANIMAL HEALTH in Class 35, registered on December 3, 2013; and
- United States Trade Mark Registration No. 4042045 for MAI ANIMAL HEALTH (word and design) in Class 35, registered on October 18, 2011.

The disputed domain name <maianimalhealth.net> was registered on September 17, 2025. It does not currently resolve to an active website.

The Complainant has submitted evidence showing that the disputed domain name has been used to send fraudulent phishing emails to the Complainant's subsidiary companies and customers.

#### **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 registered by the Respondent is identical or confusingly similar to the Complainant's MAI ANIMAL HEALTH marks.

The Complainant asserts that it has not authorized the Respondent to use the MAI ANIMAL HEALTH marks, and there is no evidence to suggest that the Respondent has used, or has undertaken any demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services.

The Complainant further contends that the disputed domain name was used in a deliberate attempt to deceive third parties as to the Respondent's identity by sending fraudulent and phishing emails to Complainant's subsidiary companies and customers impersonating the Complainant.

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

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

## **6. Discussion and Findings**

### **A. Identical or Confusingly Similar**

It is widely 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 trade mark 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 Panel acknowledges that the Complainant has established rights in the MAI ANIMAL HEALTH trade marks. [WIPO Overview 3.0](#), section 1.2.1.

Disregarding the generic Top-Level Domain ("gTLD") ".net", the disputed domain name incorporates the term "mai animal health", which is identical to the Complainant's MAI ANIMAL HEALTH trade marks. Thus, the disputed domain name should be regarded as identical to the Complainant's MAI ANIMAL HEALTH trade marks. [WIPO Overview 3.0](#), sections 1.7 and 1.11.1.

The Panel therefore finds that the Complainant has satisfied the requirements of paragraph 4(a)(i) of the Policy in establishing its rights in the MAI ANIMAL HEALTH trade marks and in showing that the disputed domain name is identical to its marks.

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

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or other legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings rests with 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 other legitimate interests, the burden shifts to the respondent to come forward with relevant evidence demonstrating rights or other legitimate interests in the domain name. If the respondent fails to come forward with such evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

In this case, the Complainant asserts that it has not authorized the Respondent to use its trade marks and there is no evidence to suggest that the Respondent has used, or undertaken any demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. Having reviewed the available records, the Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Respondent did not file a response and has therefore failed to assert factors or put forth evidence to establish that it enjoys rights or other legitimate interests in the disputed domain name.

Panels have held that the use of a domain name for illegal activity such as phishing and impersonation can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. The Complainant has provided evidence to substantiate that the disputed domain name is being used to send phishing emails impersonating the Complainant to its subsidiary companies and customers. In the Panel's view, and absent of any evidence to the contrary, such conduct is indicative of the Respondent's lack of a legitimate interest.

As such, the Panel concludes that the Respondent has failed to rebut the Complainant's prima facie showing of the Respondent's lack of rights or legitimate interests in the disputed domain name, and that none of the circumstances of paragraph 4(c) of the Policy is applicable in this case.

Accordingly, and based on the Panel's findings below, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name pursuant to paragraph 4(a)(ii) of the Policy.

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

The third and final element that a complainant must prove is that the respondent has registered and is using the disputed domain name in bad faith.

Paragraph 4(b) of the Policy states that any of the following circumstances, in particular but without limitation, shall be considered as evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that the respondent registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant (the owner of the trade mark or service mark) or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or
- (ii) circumstances indicating that the respondent registered the domain name in order to prevent the owner of the trade mark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
- (iii) circumstances indicating that the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) circumstances indicating that the respondent is using the domain name to intentionally attempt to attract, for commercial gain, Internet users to its 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 the respondent's website or location or of a product or service on its website or location.

The examples of bad faith registration and use set forth in paragraph 4(b) of the Policy are not meant to be exhaustive of all circumstances in which bad faith may be found. Other circumstances may also 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.

For reasons discussed under this and the preceding heading, the Panel believes that the Respondent's conduct in this case constitutes bad faith registration and use of the disputed domain name.

As indicated above, the Complainant's trade mark registrations incorporating the MAI ANIMAL HEALTH mark predate the registration of the disputed domain name. The Panel finds that the Respondent was or should have been aware of the Complainant's trade marks at the time of registration. This finding is supported by the composition of the disputed domain name, which wholly incorporates the Complainant's distinctive registered MAI ANIMAL HEALTH trade marks. It is unreasonable to conclude this as a mere coincidence. Moreover, the Respondent has used the disputed domain name to deliberately deceive third parties – including the Complainant's subsidiary companies and customers – by sending emails from "[...]@maianimalhealth.net" to mislead the recipient into assuming that the Respondent is associated with the Complainant. The use of the disputed domain name to send phishing emails to third parties establishes that the Respondent was aware of the Complainant at the date of registration of the disputed domain name and that it was registered by the Respondent so that it could profit unfairly from the confusing similarity between the disputed domain name and the Complainant's MAI ANIMAL HEALTH trade marks.

Although the disputed domain name does not resolve to an active website, the use of a domain name for purposes other than hosting a website may also constitute bad faith; see section 3.4 of the [WIPO Overview 3.0](#). In particular, use of the disputed domain name for the purpose of sending phishing emails, amounts to bad faith.

Accordingly, the Panel finds that the Respondent has registered and used the disputed domain name pursuant to paragraph 4(a)(iii) 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 <maianimalhealth.net> be transferred to the Complainant.

*/Joseph Simone/*

**Joseph Simone**

Sole Panelist

Date: December 19, 2025