

ADMINISTRATIVE PANEL DECISION

Modernatx, Inc. v. Anupam Kachhap

Case No. D2025-4589

1. The Parties

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

The Respondent is Anupam Kachhap, India.

2. The Domain Name and Registrar

The disputed domain name <ats-moderna.com> is registered with Spaceship, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 5, 2025. On November 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 6, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 10, 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 November 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 the Respondent of the Complaint, and the proceedings commenced on November 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 4, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 5, 2025.

The Center appointed Knud Wallberg as the sole panelist in this matter on December 11, 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, Modernatx, Inc., is a developer of mRNA medicines to treat and prevent diseases, including a COVID-19 vaccine that was launched in 2021.

The Complainant owns numerous trademark registrations for the MODERNA mark around the world. In particular, the 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).

The Complainant operates its corporate website at “www.modernatx.com.”

The disputed domain name was registered on September 22, 2025. The disputed domain name is not being used for an active website, but it has been actively used to send fraudulent emails as described below.

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 is confusingly similar to its MODERNA trademark as it incorporates the MODERNA mark in its entirety with the addition of the prefix “ats-” which is a well-known acronym for “applicant tracking system,” a term used throughout corporate hiring and recruitment processes. Its inclusion makes the disputed domain name appear to belong to the Complainant’s internal job application platform, causing recipients of fraudulent emails to believe they are engaged with a legitimate recruitment communication.

Regarding the second element, the Complainant contends that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has no license or authorization from the Complainant to use the MODERNA mark; the Respondent has not been commonly known by the disputed domain name; the Respondent’s use of the disputed domain name has not made any bona fide offering of goods or services; and considering the Respondent’s use of the disputed domain name to perpetrate fraud and impersonate the Complainant, there is no basis for the Respondent to claim rights or legitimate interests in the disputed domain name.

Finally, the Complainant argues that the 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 the Complainant. The Complainant contends that the Respondent’s registration of the disputed domain name well after the Complainant established its trademark rights demonstrates opportunistic bad faith, just as the Respondent’s use of the disputed domain name to impersonate the Complainant while making bogus job offers to and scamming money from unsuspecting job seekers constitutes bad faith use.

B. Respondent

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

6. Discussion and Findings

According to paragraph 15(a) of the Rules the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

Paragraph 4(a) of the Policy directs that a complainant must prove each of the following:

- (i) that the domain name registered by the respondent is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (ii) that the respondent has no rights or legitimate interests in respect of the domain name; and
- (iii) that the domain name has been registered and is being used in bad faith.

Paragraph 4(a) of the Policy states that the burden of proving that all these elements are present lies with the Complainant. At the same time, in accordance with paragraph 14(b) of the Rules, if a party, in the absence of exceptional circumstances, does not comply with any provision of, or requirement under, the Rules, or any request from the Panel, the Panel shall draw such inferences therefrom as it considers appropriate.

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

Although the addition of other terms here, "ats-", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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.

Panels have held that the use of a domain name for illegal activity here, claimed impersonation, phishing, 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.

The Panel notes that the disputed domain name was registered years after the Complainant's registration of its MODERNA trademarks and that the Respondent has used the disputed domain name to send emails to targeted individuals that may be interested in working with or providing services to the Complainant, most likely with the purpose of soliciting personal information and money from the recipients. Panels have held that the use of a domain name for this type of illegal activity constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

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 <ats-moderna.com> be transferred to the Complainant.

/Knud Wallberg/
Knud Wallberg
Sole Panelist
Date: December 27, 2025