

ADMINISTRATIVE PANEL DECISION

Cochlear Limited v. Wayne Jackson

Case No. D2025-4624

1. The Parties

The Complainant is Cochlear Limited, Australia, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Wayne Jackson, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <cochlears.com> is registered with Hostinger Operations, UAB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 7, 2025. On November 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 11, 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 (Domain Admin, Privacy Protect, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 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 amended Complaint on November 14, 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 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 8, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 10, 2025.

The Center appointed Beatrice Onica Jarka as the sole panelist in this matter on December 18, 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 an Australian medical device company established in 1981.

The Complainant is a global leader in the development, manufacture and commercialization of implantable hearing solutions, collaborating in research programs worldwide to further research into hearing loss.

The Complainant is the owner of the COCHLEAR trademark registrations across various jurisdictions, including:

- United States Patent and Trademark Office (“USPTO”) registration number 3175621, registered on November 21, 2006 , for the class 44;
- European Union Intellectual Property Office (“EUIPO”) registration number 004009635, registered on December 15, 2005, for the classes 9, and 10;
- Intellectual Property Office of the United Kingdom (“UKIPO”) registration number UK00904009651, registered on December 15, 2005, for the classes 9, and 10.

The Complainant maintains a strong online presence through their primary domain name <cochlear.com>, registered in 1996. According to Similarweb.com, the Complainant’s official website linked to this domain name received 548,428 total visits in September 2025 and ranked 1,187th in its category.

The Complainant is equally active on their social media profiles. The Complainant has over 85 thousand followers on Facebook, 27.4 thousand followers on Instagram, and 13.8 thousand followers on X.

The disputed domain name was registered on July 7, 2025. The Respondent has used the disputed domain name to send fraudulent emails impersonating the Complainant.

The Respondent in this administrative proceeding is an individual, Wayne Jackson residing in United States.

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 a purposeful misspelling of the Complainant’s COCHLEAR trademark and must be considered confusingly similar to the Complainant’s trademark, as it fully incorporates the Complainant’s trademark and simply adds the letter “s” at the end of it.
- The disputed domain name must be considered a prototypical example of typosquatting – which intentionally takes advantage of Internet users that inadvertently type an incorrect address – often a misspelling of the Complainant’s trademark – when seeking to access the trademark owner’s website.
- The Respondent is not sponsored by or affiliated with the Complainant in any way.

- The Complainant has neither given the Respondent permission to use the Complainant's trademarks in any manner, including in domain names, nor has licensed, authorized, or permitted the Respondent to register domain names incorporating the Complainant's trademark.
- The Respondent is not commonly known by the disputed domain name, which evinces a lack of rights or legitimate interests, as in the instant case, the Center's Notice of Registrant Information identifies the Registrant as "Wayne Jackson", which does not resemble the disputed domain name in any manner.
- Furthermore, at the time of filing the Complaint, the Respondent was using a privacy Whois service, which past panels have also found to equate to a lack of legitimate interest.
- The Respondent's use of disputed domain name does not constitute a bona fide offering of goods or services pursuant to Policy paragraph 4(c)(i), or a legitimate noncommercial or fair use pursuant to Policy paragraph 4(c)(iii).

The Respondent is using a confusingly similar domain name to create the impression that disputed domain name is one that is authorized and administered by the Complainant, for the sole purpose of sending emails which have the appearance of coming from the Complainant's business manager. The fraudulent emails were sent to the Complainant's customers from the email address "[...]@cochlears.com" from the disputed domain name, concerning alleged outstanding payments. The Respondent's emails go so far as to include the Complainant's full contact information (job title, business name and official address of their office in the United Arab Emirates) as part of the email signature. By sending emails from the disputed domain name, the Respondent is attempting to pass itself off as the Complainant in an attempt to "phish" personal information from the Complainant's customers.

- This use of the disputed domain name, presumably for commercial gain, and with devious, nefarious motives, clearly fails to constitute a bona fide offering of goods or services pursuant to Policy paragraph 4(c)(i), or a legitimate noncommercial or fair use pursuant to Policy paragraph 4(c)(iii).

The disputed domain name currently resolves to a generic holding page and lacks any real content, which indicates that the Respondent has failed to make use of this disputed domain name website and has not demonstrated any attempt to make legitimate use of the disputed domain name and its website.

- The disputed domain name is being offered for sale in an amount that far exceeds the Respondent's out-of-pocket expenses in registering the disputed domain name, which serves as further evidence of Respondent's lack of rights and legitimate interests.
- The Respondent registered the disputed domain name on July 7, 2025, which is significantly after the registration of the Complainant's trademarks with the USPTO, EUIPO, and UKIPO and its primary domain name registered in 1996, and at the moment the Complainant already had a worldwide reputation in its trademark which is fully adopted in the disputed domain name.
- The disputed domain name carries a high risk of implied affiliation with the Complainant which cannot be considered a fair use of the disputed domain name, but rather bad faith use and registration.
- By registering a domain name that fully incorporates the Complainant's COCHLEAR trademark, the Respondent has demonstrated a knowledge of and familiarity with the Complainant's brand and business.
- The Respondent has registered and used the disputed domain name for purposes of launching a phishing attack, which is clear evidence of bad faith registration and use, by sending fraudulent emails, which have the appearance of coming from the Complainant, to the Complainant's customers with the purpose of receiving unlawful payments.

- The Respondent's correspondence was sent from the email address "[...]]@cochlears.com" with the disputed domain name as its extension and contained Complainant's full contact information and official business address as part of the email signature.
- The Respondent's efforts to masquerade as the Complainant in an attempt to solicit sensitive financial information from unsuspecting people certainly constitute fraud, which must be considered bad faith registration and use of the disputed domain name.
- The disputed domain name currently resolves to a generic holding page and is not being used.
- The Respondent is currently offering to sell the disputed domain name, which constitutes bad faith under Policy paragraph 4(b)(i) because the Respondent has demonstrated an intent to sell, rent, or otherwise transfer the disputed domain name for valuable consideration in excess of his out-of-pocket expenses.
- The Respondent, at the time of initial filing of the Complaint, had employed a privacy service to hide its identity, which past Panels have held serves as further evidence of bad faith registration and use.

B. Respondent

Although procedurally summoned, the Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

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, and simply adds the letter "s" at the end of it. The Panel finds that for the purposes of establishing the first element of the Policy, it is sufficient to conclude that the Complainant's trademark is fully reproduced and recognizable in 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.

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.

In this respect, the Panel notes the following circumstance, which documents the findings that the Respondent lacks rights or legitimate interests in the disputed domain name:

- the Complainant has neither given the Respondent permission to use the Complainant's trademarks in any manner, including in domain names, nor has licensed, authorized, or permitted the Respondent to register domain names incorporating the Complainant's trademark;
- the Respondent is not commonly known by the disputed domain name, which evinces a lack of rights or legitimate interests, as in the instant case, the Registrar identifies the Respondent as "Wayne Jackson", which does not resemble the disputed domain name in any manner;
- the Respondent is using a confusingly similar domain name to create the impression that disputed domain name is one that is authorized and administered by the Complainant, for the sole purpose of sending emails from the email address "[...]@cochlears.com" from the disputed domain name, which have the appearance of coming from Complainant's business manager;
- the fraudulent emails appear to be sent to the Complainant's customers concerning alleged outstanding payments and include the Complainant's full contact information (job title, business name, and official address of their office in the United Arab Emirates) as part of the email signature.

Although procedurally summoned, the Respondent failed to rebut 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 as applicable to this case: phishing, impersonation/passing off, 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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may 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.

In this case, the Panel notes that the Respondent's registration and use of the disputed domain name appear to cover most of the illustrative examples of bad faith enumerated in the Policy, as follows:

- the Respondent is using a confusingly similar domain name to create the impression that disputed domain name is one that is authorized and administered by the Complainant, with the purpose of sending emails which have the appearance of coming from the Complainant's business manager, concerning alleged outstanding payments and including the Complainant's full contact information (job title, business name and

official address of their office in the United Arab Emirates) as part of the email signature, in an attempt to "phish" personal information from the Complainant's customers, presumably for commercial gain. Such activity constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

- the disputed domain name is being offered for sale in an amount that likely far exceeds the Respondent's out-of-pocket expenses in registering the disputed domain name, which serves as evidence that the respondent has registered or acquired a domain name primarily to sell the domain name to the complainant (or its competitor) for valuable consideration in excess of the respondent's costs related to the domain name. [WIPO Overview 3.0](#), section 3.1.1.
- by registering a domain name that fully incorporates the Complainant's COCHLEAR trademark, the Respondent has demonstrated a knowledge of and familiarity with the Complainant's brand and business which could also amount to bad faith registration. [WIPO Overview 3.0](#), section 3.2.2.
- at the time of initial filing of the Complaint, the Respondent had employed a privacy service to hide its identity, which past panels have held serves as further evidence of bad faith registration and use. [WIPO Overview 3.0](#), section 3.2.1.

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 <cochlears.com> be transferred to the Complainant.

/Dr. Beatrice Onica Jarka/

Dr. Beatrice Onica Jarka

Sole Panelist

Date: December 30, 2025