

ADMINISTRATIVE PANEL DECISION

Gilead Sciences, Inc. v. Troy Delong, Gilead
Case No. D2025-4765

1. The Parties

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

The Respondent is Troy Delong, Gilead, United States.

2. The Domain Name and Registrar

The disputed domain name <gilead-health.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 November 18, 2025. On November 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 19, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from the named Respondent (Redacted for Privacy, Privacy service provided by Withheld for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 19, 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 24, 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 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 18, 2025. The Center received an email communication from a purported third party on December 4, 2025. The Center commenced the panel appointment process on December 19, 2025.

The Center appointed Steven Auvil as the sole panelist in this matter on December 26, 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

According to the Complaint, the Complainant is one of the largest biopharmaceutical companies in the world. The Complainant discovers, develops and commercializes innovative medicines in areas of unmet medical need and sells over 25 pharmaceutical products.

The Complainant has used the GILEAD name for over 35 years and owns over 230 trademarks including United States registration number 3251595 for GILEAD, registered on June 12, 2007; Singapore registration number T08/03446D for GILEAD registered on July 24, 2008; India registration number 2363685 for GILEAD, registered on September 10, 2015; European Union Trade Mark number 3913167 for GILEAD, registered on November 7, 2005; China registration number 816124 for GILEAD, registered on February 21, 1996; Brazil registration number 904960269 for GILEAD, registered July 7, 2015; Australia registration number 1132718 for GILEAD, registered on March 14, 2013; and Iceland registration number 456/2007 for GILEAD registered on April 2, 2007.

The Complainant also owns the domain name <gilead.com>, which was registered on May 27, 1995, and has been used by the company since 1997 in connection with its pharmaceutical products and related medical services.

The disputed domain name was registered on October 19, 2025, and according to the evidence provided in the Complaint, has been used to impersonate the Complainant's employees, including its former vice president, in a potential phishing scheme.

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.

The Complainant first contends that the disputed domain name is identical or confusingly similar to its GILEAD mark because it incorporates the well-known GILEAD trademark in its entirety, with the addition of a hyphen and the term "health." The Complainant further contends that this conduct is likely to mislead consumers and create a false association with the Complainant's business.

The Complainant next contends that the Respondent has no rights or legitimate interest in the disputed domain name because the Respondent is not associated nor affiliated with the Complainant nor has the Complainant granted any rights to the Respondent to use the GILEAD mark.

Finally, the Complainant contends that the disputed domain name was registered and used in bad faith because the Respondent provided false contact information to the registrar and used a privacy shield to hide his true identity. Further, the Respondent engaged in fraudulent use of the disputed domain name to create an email address using the name of one of the Complainant's employees.

The Complainant requests that the disputed domain name be transferred to the Complainant.

B. Respondent

The Respondent did not reply to the Complainant's contentions in the Complaint or the amended Complaint.

On December 4, 2025, a third party contacted the Center and indicated that the Complaint was received at its business address, addressed to the Respondent. The third party further stated that it did not register the disputed domain name, and was not interested in owning the disputed domain name.

6. Discussion and Findings

According to paragraph 15(a) of the Rules: "[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable." Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following to obtain relief:

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

In view of the Respondent's failure to submit a Response, the Panel is entitled to accept as true the allegations set forth in the Complaint (unless the evidence is clearly contradictory), and to derive reasonable inferences from the evidence presented.

Based on the foregoing guidance, the Panel makes the following findings and conclusions based on the allegations and evidence contained in the Complaint, and reasonable inferences drawn from the evidence presented.

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 as the Complainant owns trademarks for GILEAD. [WIPO Overview 3.0](#), section 1.2.1.

The evidence submitted by the Complainant also supports the conclusion that the disputed domain name is confusingly similar to the Complainant's GILEAD mark. As set forth in [WIPO Overview 3.0](#), section 1.7, when the entirety of a mark is reproduced within the disputed domain name, or "at least a dominant feature of the relevant mark is recognizable in the domain name," the disputed domain name is deemed confusingly similar to the mark for the purposes of the Policy. Further, "[w]here the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise)" does not prevent a finding of confusing similarity. [WIPO Overview 3.0](#), section 1.8.

Here, the disputed domain name is confusingly similar to the Complainant's GILEAD mark because the Respondent has incorporated the entirety of the Complainant's GILEAD mark with the addition of the descriptive term "health" and the generic Top-Level Domain ("gTLD") ".com." These differences do not prevent a finding of confusing similarity. See *Montblanc-Simplo GmbH v. Hongsen Qiao*, WIPO Case No. [D2020-0932](#).

As set forth in section 1.11.1 of the [WIPO Overview 3.0](#), the applicable gTLD (e.g., “.com” or “.org”) is viewed as a standard registration requirement and as such is typically disregarded under the first element’s confusing similarity test. As such, the use of “.com” gTLD in the disputed domain name has no bearing on the confusing similarity analysis.

The Panel therefore 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. Such circumstances include:

- (i) before any notice of the dispute, the Respondent used, or prepared to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services;
- (ii) the Respondent (as an individual, business, or other organization) is commonly known by the disputed domain name, even if the Respondent has acquired no trademark or service mark rights; or
- (iii) the Respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or tarnish the trademark or service mark at issue.

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 the production of information that is often only within the knowledge or control of the respondent. Considering this difficulty, 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 registered the disputed domain name that is confusingly similar to the Complainant’s well-known mark. Further, the evidence demonstrates that the Respondent is using the disputed domain name to attempt to pass itself off or impersonate the Complainant, including through use of the name of the Complainant’s former vice president in email correspondence. Panels have held that the use of a domain name for illegitimate activity, such as impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds that none of the circumstances listed in paragraph 4(c) of the Policy apply. The Respondent did not respond to the Complaint and provide any evidence demonstrating rights or legitimate interests in the disputed domain name.

Under the circumstances, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name and therefore that the second element of paragraph 4(a) of the Policy is satisfied.

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 that, if found by the Panel to be present, is 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 the present case, the Panel concludes that the Respondent registered and used the disputed domain name in bad faith.

First, the disputed domain name incorporates the entirety of the Complainant's registered GILEAD mark with the exception of adding the descriptive term "health," resulting in confusing similarity and a risk of implied affiliation. This alone raises an inference of bad faith.

Second, the Panel finds that the Respondent has engaged in using the disputed domain name in connection with a scheme to impersonate the Complaint's former vice president, further evidence of bad faith.

Third, the Respondent attempted to conceal its true identity by registering the disputed domain name through a privacy service, using the address of an unrelated third party, and including the Complainant's company name in the disputed domain name registration details, which also evidences bad faith.

The Respondent has provided no rebuttal evidence demonstrating good faith registration or use by it of the disputed domain name. See *Park 'N Fly Service LLC v. Usman Hafeez*, WIPO Case No. [D2025-1727](#).

Considering these circumstances, including the failure of the Respondent to respond to the Complaint, the Panel finds that the Respondent more likely than not knew of the Complainant's well-known GILEAD mark at the time of registering the disputed domain name and thereafter used the disputed domain name to unfairly capitalize on the Complainant's GILEAD mark.

The Panel therefore concludes that the disputed domain name was registered and is being used in bad faith and 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 <gilead-health.com> be transferred to the Complainant.

/Steven Auvil/

Steven Auvil

Sole Panelist

Date: January 14, 2026