

## **ADMINISTRATIVE PANEL DECISION**

Varian Medical Systems, Inc. v. Awel Yesuf  
Case No. D2025-4946

### **1. The Parties**

The Complainant is Varian Medical Systems, Inc., United States of America (“United States”), represented by Sideman & Bancroft, LLP, United States.

The Respondent is Awel Yesuf, United States.

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

The disputed domain name <variansystems.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 27, 2025. On November 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 1, 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 December 3, 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 December 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 28, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 6, 2026.

The Center appointed Elizabeth Ann Morgan as the sole panelist in this matter on January 14, 2026. 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, Varian Medical Systems, Inc. (Varian) is a global manufacturer of medical devices and software used in cancer treatment. Founded in 1948, Varian employs more than 10,000 people across six continents and offers a broad portfolio of technologies and services for cancer-care providers worldwide.

The Complainant provides its products and services under the VARIAN mark and various VARIAN-formative marks, which it has used continuously and exclusively since 1948. Exemplar registrations include: VARIAN, United States, Registration No. 828848 registered on May 16, 1967, in Class 5, 8, 10, and 12; VARIAN United States Registration No. 836706 registered on October 10, 1967, in Class 9 and VARIAN United States, Registration No. 6540384 registered on October 26, 2021, in Class 5, 9, 10, 37, 41,42, and 44. The Complainant owns all rights, title, and interest in the VARIAN mark and maintains an international trademark portfolio for VARIAN and VARIAN-inclusive marks.

The Complainant also owns the domain name <varian.com>, which it uses as its primary corporate website. The Complainant's employees use email addresses from the domain “@varian.com” in the ordinary course of business.

The disputed domain name <variansystems.com> was registered on October 28, 2025, by an anonymous registrant using a privacy service. Since its registration, the Respondent has used the disputed domain name and associated email addresses formatted as “[user]@variansystems.com” to contact third parties while presenting themselves as Varian employees. These communications have included the names of actual Varian personnel, as well as email signatures and formats similar to those used by the Complainant.

The Respondent's registration and use of the disputed domain name <variansystems.com> occurred decades after the Complainant's adoption of the VARIAN mark and long after the Complainant's registration and use of the domain name <varian.com>. The Respondent have no affiliation with the Complainant, and the Complainant has not authorized the Respondent to use the VARIAN mark, to register the disputed domain name, or to communicate with third parties on Complainant's behalf.

#### **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 contends that the disputed domain name is nearly identical and confusingly similar to the Complainant's VARIAN mark. The Respondent's use the disputed domain name <variansystems.com> and associated “[user]@variansystems.com” email addresses in a fraudulent scheme designed to impersonate Varian employees. The Respondent has sent deceptive emails seeking personal or business information or attempting to procure goods and services by falsely presenting as the Complainant. Their email signatures include VARIAN trademarks and the names of actual Varian employees, further indicating a specific intent to deceive or confuse.

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

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. 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, systems, 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 illegitimate activity here, claimed impersonation/passing off, 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.

In the present case, the Panel notes that the Respondent has attempted to pass itself off as the Complainant.

Panels have held that the use of a domain name for illegitimate activity here, claimed impersonation/passing off constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <variansystems.com> be transferred to the Complainant

*/Elizabeth Ann Morgan/*

**Elizabeth Ann Morgan**

Sole Panelist

Date: January 28, 2026