

ADMINISTRATIVE PANEL DECISION

Varian Medical Systems, Inc. v. bill texer, Amit Berry
Case No. D2025-5157

1. The Parties

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

The Respondents are bill texer, United States, and Amit Berry, United States.

2. The Domain Names and Registrar[s]

The disputed domain name <vairain.com> is registered with Hostinger Operations, UAB.

The disputed domain name <variain.com> is registered with Wild West Domains, LLC (the "Registrars").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 11, 2025. On December 11, 2025, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On December 12, 2025, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Unknown) and contact information in the Complaint.

The Center sent an email communication to the Complainant on December 15, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on December 19, 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 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 13, 2026. The Respondent bill texter, sent email communications to the Center on December 19 and 24, 2025.

The Center appointed Ingrida Kariņa-Bērziņa as the sole panelist in this matter on January 12, 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 is a company headquartered in California, United States, engaged in the development and manufacture of medical devices and software used in cancer treatment. It is the proprietor of a large number of registrations for its VARIAN mark in jurisdictions around the world, including United States Trademark No. 828848 for VARIAN (word mark), registered on May 16, 1967 for goods in international classes 5, 8, 10 and 12, claiming a date of first use in 1962.

The Complainant operates its primary business website at the domain name <varian.com>, and its employees use e-mail addresses formatted as "@varian.com".

The disputed domain name <vairain.com> was registered on November 3, 2025; the disputed domain name <variain.com> was registered on October 29, 2025. Neither resolves to an active website. The record contains evidence that both disputed domain names were used to generate e-mails impersonating the Complainant's employees.

5. Parties' Contentions

A. Complainant

1. Consolidation of Proceedings

The Complainant requests consolidation of proceedings for the following reasons: both disputed domain names were used sequentially as part of the same spoofing scheme, within the same email thread, targeting the Complainant and the same third-party victim. Each disputed domain name was used to impersonate the same Varian personnel through nearly identical email formats, signature blocks, and social-engineering tactics. The transition from emails sent from <variain.com> (e.g., October 29, 2025) to emails sent from <vairain.com> (e.g., November 3, 2025) reflects a coordinated effort to evade detection while continuing the same impersonation scheme against the same target. The use of the second disputed domain name within an existing email thread further indicates common control, as access to that correspondence could only have been obtained by the same actor or entity. Although the Registrar-disclosed registrants are superficially different, that consideration should be afforded little weight in light of the substantial evidence of a single, coordinated fraudulent scheme.

Additional technical and behavioral indicators further support consolidation. The disputed domain names consist of nearly identical typosquatted variations of the VARIAN mark, were registered within a short time frame, and were used interchangeably to send materially identical messages falsely purporting to update banking instructions in order to divert payments intended for Complainant. Such evidence supports a finding of common control.

Requiring the Complainant to file separate complainant would cause the Complainant to incur substantial time and costs.

2. Substantive Contentions

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

Notably, the Complainant contends that it was founded in 1948 and today employs more than 10,000 people across six continents, offering a broad portfolio of radiation oncology technologies, software systems, and related clinical services. It has continuously used the VARIAN mark. The disputed domain names are nearly identical and confusingly similar to the Complainant's mark, with minor alterations. The Respondent's use of the disputed domain names to generate deceptive emails to clients seeking payment for fraudulent invoices cannot establish rights or legitimate interests and are evidence of bad faith. These spoofing e-mails impersonated the Complainant's employees and mimicked the appearance and structure of emails sent by the Complainant. Both disputed domain names were used in a single fraudulent e-mail thread. The Respondent concealed its identity behind privacy screens and fictitious names.

The Complainant requests transfer of the disputed domain names.

B. Respondent

A party identifying himself as "Bill Trussler" sent a message to the Center on December 19, 2025, confirming that he is the registrant of <variain.com> and contending that he is not a party to these proceedings. The same person sent an email to the Center on December 24, 2025, stating as follows:

I recently discovered that my account had been compromised and that a third party, without my authorization or knowledge, accessed my account and registered or associated domain-related information. This activity was not initiated, approved, or controlled by me. Upon discovery, I secured my account and took steps to prevent any further unauthorized access. I did not register <vairain.com>, did not file any complaint, and have no affiliation with Varian Medical Systems, Inc.

6. Discussion and Findings

1. Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.11.2.

As regards common control, the Panel notes in particular, the similarity of the naming conventions, the proximate timing of the registrations and the use of both disputed domain names in the same fraudulent e-

mail thread. The Panel finds that the communications from “Bill Trussler” disclaiming association with the second disputed domain name lack substantiation and, considering the circumstances of the case, do not counter the available evidence indicating that both disputed domain names are, in fact, controlled by the same party in furtherance of the same scheme.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as “the Respondent”) in a single proceeding.

2. Substantive Issues

Paragraph 4(a) of the UDRP requires the Complainant to make out all three of the following:

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

Under 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”.

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 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 Panel finds the mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The Panel finds that both disputed domain names, by reversing the letters “a” and “i” and adding and additional letter “i”, respectively, constitute deliberate misspellings of the Complainant’s mark. Such a composition does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.9.

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 names. 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 names such as those enumerated in the Policy or otherwise.

The Panel notes the composition of the disputed domain names, which comprise misspellings of the Complainant's established VARIAN mark, which do not distinguish them from the Mark. Together with the use to which they have been put, the Panel finds that the composition of the disputed domain names affirms the Respondent's intention of taking unfair advantage of the likelihood of confusion between the disputed domain names and the Complainant.

Panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation and spoofing, 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.

In the present case, the Panel notes that the Respondent has intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark. The Complainant's rights in its VARIAN mark predate by at least 50 years the registration of the disputed domain names. The disputed domain names comprise deliberate misspellings of the Complainant's VARIAN trademark and, together with the use to which the disputed domain names have been put, clearly trying to create confusion with the Complainant's business.

Panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation and spoofing, or other types of fraud) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. The record indicates the disputed domain names were used to generate email messages impersonating the Complainant's employees to send fraudulent invoices to the Complainant's clients. In light of the finding that the Respondent has no rights in the disputed domain names, having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names 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 names <vairain.com> and <variain.com> be transferred to the Complainant.

/Ingrīda Kariņa-Bērziņa/

Ingrīda Kariņa-Bērziņa

Sole Panelist

Date: January 20, 2026