ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Vitalant v. Curtis Johnson
Case No. D2026-0740

1. The Parties

Complainant is Vitalant, United States of America ("United States" or "U.S."), represented by Faegre Drinker Biddle & Reath LLP, United States.

Respondent is Curtis Johnson, United States.

2. The Domain Name and Registrar

The disputed domain name <vitalantresearch.org> (the "Domain Name") is registered with Squarespace Domains LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 20, 2026. On February 23, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 23, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (The RDAP server redacted the value) and contact information in the Complaint. The Center sent an email communication to Complainant on February 24, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on February 26, 2026.

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 Respondent of the Complaint, and the proceedings commenced on February 27, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 19, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on March 20, 2026.

The Center appointed Kimberley Chen Nobles as the sole panelist in this matter on March 25, 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

Complainant is a nonprofit blood and biotherapies healthcare organization, providing hospitals and patients in the United States with blood supply. Complainant has approximately 115 donation centers across the U.S., 60,000 blood drives annually, and over 4,000 employees who provide blood collection, testing, logistics, distribution, special services, and research to advance the practice and application of transfusion medicine.

Complaint owns and operates several registered trademarks for the VITALANT mark, including:

- United States trademark registration no. 5657555 for the VITALANT word mark, registered January 15, 2019;
- United States trademark registration No. 5729705 for the VITALANT word and design mark, registered April 16, 2019; and
- United States trademark registration No. 5927560 for the VITALANT word and design mark, registered December 3, 2019.

Complainant also owns and operates its domain name, <vitalant.org>.

The Domain Name was registered on December 23, 2025, and resolved to an inactive website.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Notably, Complainant contends that (i) the Domain Name is confusingly similar to Complainant's trademark; (ii) Respondent has no rights or legitimate interests in the Domain Name; and (iii) Respondent registered and is using the Domain Name in bad faith.

In particular, Complainant contends that it has trademark registrations and rights for VITALANT and that Respondent registered and is using the Domain Name, with the intention to confuse Internet users looking for Complainant's bona fide and well-known VITALANT services.

Complainant notes that it has no affiliation with Respondent, nor authorized Respondent to register or use a domain name which includes Complainant's trademark, and that Respondent has no rights or legitimate interests in the registration and use of the Domain Name. Rather, Complainant contends that Respondent has acted in bad faith in acquiring and setting up the Domain Name, when Respondent clearly knew of Complainant's rights. Complainant also alleged that the Domain Name was configured for email communications capability, which was used to send fraudulent emails to Complainant's vendors in which Respondent impersonated Complainant's employee to solicit and divert vendor payments to Respondent.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

(i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
(ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
(iii) the Domain Name was registered and is being used in bad faith.

Section 4.3 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1") states that failure to respond to the complainant's contentions would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true.

Thus, although in this case Respondent has failed to respond to the Complaint, the burden remains with Complainant to establish the three elements of paragraph 4(a) of the Policy by a preponderance of the evidence.

A. Identical or Confusingly Similar

Complainant has provided evidence of its rights in the VITALANT trademark, as noted above. Complainant has therefore proven that it has the requisite rights in the VITALANT trademarks.

With Complainant's rights in the VITALANT trademark established, the remaining question under the first element of the Policy is whether the Domain Name, typically disregarding the Top-Level Domain ("TLD") in which it was registered (in this case, ".org"), is identical or confusingly similar to Complainant's trademark. See, e.g., *B & H Foto & Electronics Corp. v. Domains by Proxy, Inc. / Joseph Gross*, WIPO Case No. D2010-0842.

Here, the Domain Name is confusingly similar to Complainant's VITALANT trademark. The VITALANT trademark is recognizable in the Domain Name. The addition of the term "research" after Complainant's VITALANT mark in the Domain Name does not prevent a finding of confusing similarity between the Domain Name and the VITALANT trademark. See section 1.8 of the WIPO Overview 3.1.

Thus, the Panel finds that Complainant has satisfied the first element of the Policy.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make a prima facie showing that a respondent possesses no rights or legitimate interests in a disputed domain name. See, e.g., *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. D2008-1393. Once a complainant makes such a prima facie showing, the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with relevant evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.

From the record in this case, it is evident that Respondent was, and is, aware of Complainant and its VITALANT trademark and does not have any rights or legitimate interests in the Domain Name. Complainant also owns and operates its website at the domain name <vitalant.org>. Complainant has confirmed that Respondent is not affiliated with Complainant, or otherwise authorized or licensed to use the VITALANT trademark or to seek registration of any domain name incorporating this trademark. Respondent is also not known to be associated with the VITALANT trademark and there is no evidence showing that Respondent has been commonly known by the Domain Name.

In addition, Respondent has not used the Domain Name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. Rather, the record shows that the Domain Name resolved to an inactive website.

Complainant also alleged that the Domain Name was configured to set up email communications capability, which enabled Respondent to send fraudulent emails to Complainant's vendor in which Respondent impersonated Complainant's employee to divert vendor payments to Respondent. However, the record did not show any evidentiary support for such allegation.

From the record in this case, it is evident that Respondent was, and is, aware of Complainant and its VITALANT trademarks and does not have any rights or legitimate interests in the Domain Name. Complainant has confirmed that Respondent is not affiliated with Complainant, or otherwise authorized or licensed to use the VITALANT trademarks or to seek registration of any domain name incorporating these trademarks. Respondent is also not known to be associated with VITALANT trademarks and there is no evidence showing that Respondent has been commonly known by the Domain Name. The Domain Name is inactive. Furthermore, the Panel considers that the composition of the Domain Name carries a risk of implied affiliation with Complainant. WIPO Overview 3.1, section 2.5.1.

Accordingly, Complainant has provided evidence supporting its prima facie showing that Respondent lacks any rights or legitimate interests in the Domain Name. Respondent has failed to produce countervailing evidence of any rights or legitimate interests in the Domain Name. Thus, the Panel concludes that Respondent does not have any rights or legitimate interests in the Domain Name and Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that Respondent's actions indicate that Respondent registered and is using the Domain Name in bad faith.

Paragraph 4(b) of the Policy provides a non-exhaustive list of circumstances indicating bad faith registration and use on the part of a respondent, namely:

"(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location."

The Panel finds that Complainant has provided ample evidence to show that registration and use of the VITALANT trademark predate the registration of the Domain Name. Complainant is also well established and known; indeed, the record shows that Complainant's VITALANT trademark and related services are known and recognized for purposes of the Policy. Therefore, and also noting the use analysis below, Respondent was clearly aware of the VITALANT trademark when it registered the Domain Name.

The Panel therefore finds that Respondent's awareness of Complainant's trademark rights at the time of registration suggests bad faith. See *Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz*, WIPO Case No. D2011-2209; *Nintendo of America Inc v. Marco Beijen, Beijen Consulting, Pokemon Fan Clubs Org., and Pokemon Fans Unite*, WIPO Case No. D2001-1070; and *BellSouth Intellectual Property Corporation v. Serena, Axel*, WIPO Case No. D2006-0007.

Moreover, the Domain Name's inclusion of Complainant's trademark VITALANT in its entirety with an addition of the term "research", further reflects the awareness that Respondent had of Complainant and its trademarks at the time of registration. Complainant also owns and operates its website at the domain name <vitalant.org>. Such adoption of Complainant's trademarks at the time of registration of the Domain Name illustrates Respondent's effort to mislead Internet users as to the Domain Name's association with Complainant. In addition, there is no indication or evidence that Respondent is preparing to use the Domain Name for any other alternate purpose.

As noted above, at the time of filing of the Complaint, the Domain Name resolved to an inactive webpage, which does not change the Panel's finding of Respondent's bad faith. Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. WIPO Overview 3.1, section 3.3. Considering the composition of the Domain Name, the reputation or distinctiveness of the trademark, and the Panel finds that passive holding of the Domain Name does not prevent a finding of bad faith under the circumstances of this case.

Finally, the Panel also notes the failure of Respondent to submit a Response, and Respondent's use of possibly false underlying contact information to register the Domain Name. The Panel thus considers such factors as strong further evidence of Respondent's registration and use of the Domain Name constitute bad faith. In the present circumstances, considering the reputation of the VITALANT trademark, the Panel finds that Respondent registered and is using the Domain Name in bad faith.

Therefore, the Panel finds that Complainant succeeds under the third element of paragraph 4(a) 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 Domain Name <vitalantresearch.org> be transferred to Complainant.

/Kimberley Chen Nobles/
Kimberley Chen Nobles
Sole Panelist
Date: April 2, 2026