ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Gilead Sciences, Inc. v. Name Redacted
Case No. D20226-0812

1. The Parties

Complainant is Gilead Sciences, Inc., United States of America ("United States"), internally represented.

Respondent is Name Redacted.[1]

2. The Domain Name and Registrar

The disputed domain name <gileadusa.com> is registered with NameCheap, Inc. ("Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center ("Center") on February 25, 2026. On February 26, 2026, the Center transmitted by email to Registrar a request for registrar verification in connection with the disputed domain name. On February 27, 2026, Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from that in the Complaint (e.g., the Complaint named "Redacted" as Respondent, identifying Privacy service provided by Withheld for Privacy ehf" elsewhere in the Complaint). The Center sent an email communication to Complainant on February 27, 2026, providing the registrant and contact information disclosed by Registrar and inviting Complainant to submit an amendment to the Complaint. Complainant submitted its amended Complaint on March 4, 2026.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy ("Policy"), the Rules for Uniform Domain Name Dispute Resolution Policy ("Rules"), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy ("Supplemental Rules").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on March 10, 2026. In accordance with the Rules, paragraph 5, the due

[1] For the reasons discussed elsewhere in this decision: (A) pursuant to the Policy, paragraph 4(j), the Panel finds this is an exceptional case and has redacted the name of the registrant from this decision, and (B) pursuant to the Rules, paragraph 16(b), the Panel has identified the registrant in Annex 1 to this decision, which instructs the Registrar to transfer the disputed domain name in accordance with this decision, and has determined that Annex 1 shall not be published.

date for Response was March 30, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on April 2, 2026.

The Center appointed Debra J. Stanek as the sole panelist in this matter on April 21, 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 biopharmaceutical company based in the United States. It has used the GILEAD mark for many years and owns registrations in the United States and elsewhere, including:

- United States Reg. No. 3,251,595, registered June 12, 2007, for certain pharmaceutical preparations.

- European Union Reg. No. 3913167, registered November 7, 2005, for, among other things, "pharmaceutical and veterinary preparations."

- Indian Reg. No. 2363685, registered July 13, 2012, for "pharmaceutical preparations."

Complainant owns and operates a website at the <gilead.com> domain name, which it has used since 1997.

The disputed domain name was registered on January 23, 2026. At the time the Complaint was filed and the time of this decision, it redirects visitors to Complainant's website at "www.gilead.com". The Complaint indicates that Respondent has used the disputed domain name in an email address used to send messages purporting to be from one of its employees.

5. Parties' Contentions

A. Complainant

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

In particular:

- The disputed domain name incorporates Complainant's GILEAD mark and adds "usa," a geographic term that corresponds to the location of Complainant's corporate headquarters.

- Respondent is not associated or affiliated with Complainant and Complainant has not authorized Respondent's use of the GILEAD mark.

- Respondent is using the disputed domain name to impersonate a senior employee with procurement responsibilities. Respondent registered the disputed domain name and created an email address from the disputed domain name using the employee's name. The email address was used in a series of email exchanges with a third party relating to the purchase of notebook computers, including providing a purchase order.

- Respondent's use of Complainant's mark in the disputed domain name, redirection of visitors to Complainant's website, and impersonation of Complainant's employee, among other things, establish Respondent's bad faith registration and use.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

To prevail under the Policy a complainant must prove, as to the domain name at issue, that: (a) it is identical or confusingly similar to a mark in which the complainant has rights, (b) respondent has no rights or legitimate interests in respect to it, and (c) it has been registered and is being used in bad faith. Policy, paragraph 4(a). A respondent's failure to respond does not automatically result in a finding for the complainant; the complainant continues to have the burden of establishing each element. Rules, paragraphs 5(f) and 14(a); see also WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.3. The Panel may, however, draw appropriate inferences from the default. See Rules, paragraph 14(b).

The Panel determines that the registrant disclosed by the Registrar is appropriate Respondent. See WIPO Overview 3.1, section 4.4.5 (in cases involving a privacy service, the Panel has discretion to determine the appropriate respondent).

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 Complainant's trademark and the disputed domain name. WIPO Overview 3.1, section 1.7.

Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The disputed domain name is not identical to Complainant's mark; however, the entirety of the mark is reproduced and recognizable within it. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7. Although the addition of the term "usa" may bear on assessment of the second and third elements, the Panel finds that that addition does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. WIPO Overview 3.1, 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 Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in proceedings under the Policy 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 remains on the complainant). If the respondent fails to come forward with relevant evidence, the complainant is deemed to have satisfied the second element. WIPO Overview 3.1, section 2.1.

The Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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. Further, Complainant has provided credible evidence that Respondent used the disputed domain name to pass itself off as an employee of Complainant, apparently in a scheme involving a purchase of laptop computers. Consistent with determinations by other panels, the Panel finds that this use of the disputed domain name cannot confer rights or legitimate interests on Respondent. WIPO Overview 3.1, 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 3.1, section 3.2.1.

Complainant's evidence shows: Complainant's rights in its GILEAD mark long predate registration of the disputed domain name. Respondent knew of Complainant and Complainant's mark. Visitors to the website hosted at the disputed domain name are redirected to Complainant's website. Respondent used an email address incorporating the disputed domain name for messages purporting to order notebook computers, using a signature block identifying, by name and title, one of Complainant's employees and including the address of one of Complainant's locations. Use in the email address makes clear Respondent used the disputed domain name intending that the third party believe Respondent's email communications were from Complainant as part of a deceptive scheme. In addition, Respondent has failed to respond in these proceedings. Under these circumstances, the Panel finds Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds the third element of the Policy has been established.

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 <gileadusa.com> be transferred to Complainant.

/Debra J. Stanek/
Debra J. Stanek
Sole Panelist
Date: May 5, 2026