

ADMINISTRATIVE PANEL DECISION

Cochlear Limited v. Summer Bradley
Case No. D2026-1290

1. The Parties

The Complainant is Cochlear Limited, Australia, represented by CSC Digital Brand Services Group AB, Sweden

The Respondent is Summer Bradley, United States of America (“United States” or “U.S.”).

2. The Domain Name and Registrar

The disputed domain name <cochlear-americas.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 March 25, 2026. On March 26, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 27, 2026, 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 (Redacted for Privacy, Privacy Service Provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 27, 2026, 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 March 30, 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 the Respondent of the Complaint, and the proceedings commenced on April 2, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 22, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 28, 2026.

The Center appointed Uwa Ohiku as the sole panelist in this matter on April 30, 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 global leader in the development, manufacture and commercialization of implantable hearing solutions and has been in business for over 40 years, with headquarters in Sydney, Australia. The Complainant operates through regional offices based in Asia-Pacific, Europe, and the Americas.

The Complainant owns numerous registrations for the COCHLEAR trademark in multiple jurisdictions including United States Trademark Registration No. 3175621, registered on November 21, 2006, in class 44; United States Trademark Registration No. 3200044 registered on January 23, 2007, in class 9 and European Union Trademark Registration No. 004009635, registered on December 15, 2005, in classes 9 & 10.

The Respondent appears to be an individual with an address in the United States.

The disputed domain name was registered on March 27, 2025, and renewed on March 27, 2026. According to evidence supplied by the Complainant at the time of filing the Complaint, the disputed domain name resolved to an inactive website. This has not changed.

5. Parties' Contentions

A. Complainant

Identical or Confusingly Similar

Amongst several other contentions, the Complainant contends particularly that the entirety of the Complainant's COCHLEAR trademark is incorporated in the disputed domain; that the addition of the hyphen and the geographical term "americas" to the disputed domain name does not reduce the confusing similarity to the Complainant's trademark.

Rights or Legitimate Interests

The Complainant also contends, in addition to other contentions, that the Respondent is not sponsored by or affiliated with the Complainant in any way; that the Complainant has not given the Respondent permission to use the Complainant's trademarks in any manner, including in domain names; that the Complainant has not licensed, authorized or permitted the Respondent to register any domain name incorporating the Complainant's trademark, and that in the absence of any license or permission from the Complainant to use its trademark, no actual or contemplated bona fide or legitimate use of the disputed domain name could reasonably be claimed, citing *Sportswear Company S.P.A. v. Tang Hong*, WIPO Case No. [D2014-1875](#).

The Complainant further contends that the Respondent's use of the disputed domain name does not constitute a bona fide offering of goods or services further to paragraph 4(c)(i) of the Policy, or a legitimate noncommercial or fair use as envisaged by paragraph 4(c)(iii) of the Policy; that the Respondent's use of a confusingly similar domain name to send fraudulent emails which appear to emanate from the Complainant's employees using the email extension "[...]@cochlear-americas.com" to the Complainant's customers, creates the impression that the disputed domain name is authorized and administered by the Complainant; that the Respondent's attempt to pass itself off as the Complainant in order to "phish" personal information from the Complainant's customers, presumably for commercial gain, and with devious, nefarious motives, does not constitute a bona fide offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy, or a legitimate noncommercial or fair use pursuant to paragraph 4(c)(iii) of the Policy and that panels have held that use of a disputed domain name for illegal activities, including "phishing", can never confer

rights or legitimate interests on a respondent.

In addition, the Complainant contends that the Respondent is not commonly known by the disputed domain name, which is clear evidence of a lack of rights or legitimate interests in the disputed domain name, and the Respondent cannot therefore be regarded as having acquired any rights to, or legitimate interests in the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy.

Registered and Used in Bad Faith

The Complainant contends amongst several other contentions, that its COCHLEAR trademark is known and registered in several jurisdictions internationally and its goods and services have been marketed and sold using this trademark well before the Respondent's registration of the disputed domain name; that by registering a domain name that fully incorporates the Complainant's COCHLEAR trademark, the Respondent has created a domain name that is confusingly similar to the Complainant's trademark as well as the Complainant's <cochlear.com> domain name, and shown a knowledge of, and familiarity with the Complainant's brand and business; that given the facts of this case as set forth in the Complaint and evidence provided in support, it is not possible to conceive a plausible situation where the Respondent was unaware of the Complainant's brands at the time the disputed domain name was registered; that the Respondent has registered and used the disputed domain name to launch a phishing attack which is clear evidence of bad faith registration and use; that the registration and use of a disputed domain name for an illegality such as phishing, passing off, and other types of fraud can never confer rights or legitimate interests and must be considered evidence of bad faith registration and use.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. WIPO Overview of WIPO Panel Views on Select UDRP Questions (["WIPO Overview 3.1"](#)), section 1.2.1.

The threshold test for confusing similarity involves a reasoned, but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. [WIPO Overview 3.1](#), section 1.7.

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 3.1](#), section 1.7.

The addition of a hyphen and the geographical term "-americas" to the disputed domain name does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's 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 the Respondent may demonstrate rights or legitimate interests in a disputed domain name. Whilst the overall burden of proof in UDRP proceedings always remains on the complainant, Panels however recognize that proving that 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. Where a complainant therefore makes out a prima facie case that the respondent lacks rights or legitimate interests,

the burden shifts to the respondent to provide relevant evidence demonstrating rights or legitimate interests in the disputed domain name. If the respondent fails to do so, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.1](#), section 2.1.

Having reviewed the available record, the contentions made by the Complainant which the Respondent has not rebutted or provided any relevant evidence demonstrating its rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise, and the preponderance of evidence by way of several annexures provided by the Complainant, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

Panels have held that the use of a domain name for illegal activity, as applicable to this case: phishing, or other types of fraud, can never confer rights or legitimate interests on a 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

For the purposes of paragraph 4(a)(iii) of the Policy, 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 making this assessment as well. [WIPO Overview 3.1](#), section 3.2.1.

In the present case, given the several contentions made by the Complainant (some of which are detailed above) and the preponderance of evidence, none of which the Respondent has come forward to counter or explain, and the manner of use of the disputed domain name, the Panel finds that the Respondent's use of the disputed domain name is intentionally to attract, for commercial gain, Internet users to the website connected with the disputed domain name or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or other location or of a product or service, within the meaning of paragraph 4(b) of the Policy, thus evidencing registration and use of the disputed domain name in bad faith.

Panels have held that the use of a domain name for purposes other than to host a website may constitute bad faith. Such active ("behind the scenes") uses are considered distinct from the passive holding doctrine and can include a range of bad faith activity or scams such as sending email, phishing, identity theft, or malware distribution. Many such cases involve the respondent's use of the domain name to send deceptive emails, e.g., to obtain sensitive or confidential personal information from prospective job applicants, or to solicit payment of fraudulent invoices by the complainant's actual or prospective customers. Having reviewed the available record therefore, the Panel notes the use of the disputed domain name for an illegal activity (in this case, phishing. [WIPO Overview 3.1](#), section 3.4.), and therefore finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy 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 <cochlear-americas.com> be transferred to the Complainant.

/Uwa Ohiku/

Uwa Ohiku

Sole Panelist

Date: May 10, 2026