

ADMINISTRATIVE PANEL DECISION

Gilead Sciences, Inc. v. Ochanji
Case No. D2026-2412

1. The Parties

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

The Respondent is Ochanji, Kenya.

2. The Domain Name and Registrar

The disputed domain name <gilead.cloud> is registered with Dynadot Inc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 3, 2026. On June 3, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 5, 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 (Dynadot Privacy Service / Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 5, 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 June 8, 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 June 8, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 28, 2026. The Respondent sent an email communication to the Center on June 8, 2026.

The Center appointed Mihaela Maravela as the sole panelist in this matter on June 29, 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

According to information in the Complaint, the Complainant was founded in 1987 in California and is one of the largest biopharmaceutical companies in the world. The Complainant discovers, develops and commercializes innovative medicines. In 2025, the Complainant's total worldwide revenue was approximately USD 29.4 billion, and it was listed as #149 in the Fortune 500 Companies rankings. Some of the Complainant's medications have been placed on the World Health Organization's List of Essential Medicines due to their nature as revolutionary treatments and cures of fatal diseases.

The Complainant is the owner of many trademark registrations worldwide for GILEAD, including the following:

- United States Trademark Registration No. 3251595 for GILEAD (word), registered on June 12, 2007, in international class 5;
- Indian Trademark Registration No. 2363685 for GILEAD (word), registered on July 13, 2012, in international class 5;
- European Union Trademark Registration No. 3913167 for GILEAD (word), registered on November 7, 2005, in international classes 1, 5 and 42.

The Complainant is also the owner of the domain name <gilead.com>, since May 27, 1995, and which it has used since as early as 1997 in connection with its pharmaceutical products and related medical services.

The disputed domain name was registered on May 5, 2026, and it resolves to a parked Registrar page, indicating that the disputed domain name is for sale for USD 4,188.

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.

Notably, the Complainant contends that the disputed domain name contains its well-known and famous GILEAD trademark in its entirety. This alone is sufficient to support a finding that the disputed domain name is confusingly similar to the Complainant's trademark. It is well-established that generic Top-Level Domains ("gTLDs") are generally ignored when assessing the element of confusing similarity, therefore the gTLD ".cloud" should be disregarded for the purposes of the first element.

With respect to the second element of the Policy, the Complainant contends that the Respondent is not associated or affiliated with the Complainant and that the Complainant has not granted any rights to the Respondent to use the GILEAD trademark, whether a license to sell any products or offer any services, or any rights to register the disputed domain name. The Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services, or in a legitimate non-commercial or fair use. The Complainant's trademark is so well-known and recognized that there can be no legitimate use by the Respondent.

As regards the third element of the Policy, the Complainant argues that its GILEAD trademark serves as a valuable identifier of itself as a company, as well as of its various goods and services such as its

pharmaceutical medications, health information and education services, and its pharmaceutical research and charitable services. Through longstanding use and the tremendous success of its products, the GILEAD trademark has gained significant recognition in the United States and throughout the world. The Respondent registered the disputed domain name more than thirty years after the Complainant entered the biopharmaceutical/healthcare industry. Therefore, the Respondent is fully aware of the Complainant's business, as well as its goodwill in the GILEAD trademark in the healthcare industry and registered the disputed domain name in bad faith.

Further, the Complainant contends that the Respondent willfully adopted the GILEAD trademark within the disputed domain name in an attempt to unfairly capitalize on the valuable goodwill the Complainant has built in its trademarks by diverting traffic from the Complainant's genuine website, misleading Internet users, and attempting to sell the disputed domain name for a price far in excess of the Respondent's out-of-pocket costs from registering the disputed domain name, and possibly engaging in a phishing scheme or other scam for the Respondent's own commercial gain. As such, the Respondent offers the disputed domain name for sale at a price of USD 4,188 which is substantially higher than normal out-of-pocket costs related to registering a domain name. Moreover, the Complainant submits that the disputed domain name could be used in a phishing scheme, scam, or fraud, as the Respondent has configured Mail eXchanger records ("MX records") with the disputed domain name enabling email communications. Lastly, the Respondent has a history of bad faith domain registration, as evidenced in the previous UDRP decision the Respondent was named in, where the panel found bad faith use and registration by the Respondent. See *H. Lundbeck A/S v. Samuel Ochanji, Carthage Domain Solutions*, WIPO Case No. D2025-1483.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions. In his informal email to the Center, the Respondent provided his email address for communication and inquired about the dispute.

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to "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". Likewise, paragraph 10(d) of the Rules, provides that "the Panel shall determine the admissibility, relevance, materiality and weight of the evidence".

No formal response has been received from the Respondent in this case. Even if the Respondent has not replied to the Complainant's contentions, the Complainant still bears the burden of proving that all requirements are fulfilled. To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain name is 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 name; and (iii) the disputed domain name has been registered and is being used in bad faith.

The applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence", and the Panel can draw certain inferences in light of the particular facts and circumstances of the case. WIPO Overview of WIPO Panel Views on Select UDRP Questions, ("WIPO Overview 3.1"), section 4.2. Concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the reasonable factual allegations in the Complaint as true. WIPO Overview 3.1, section 4.3.

The Panel has taken note of the WIPO Overview 3.1, and, where appropriate, will decide consistently with the consensus views stated therein.

A. Identical or Confusingly Similar

Under paragraph 4(a)(i) of the Policy, the Complainant must prove that it has rights to a trademark, and that the disputed domain name is identical or confusingly similar to that trademark. This first element under the Policy functions primarily as a standing requirement. WIPO Overview 3.1, section 1.7.

The Complainant has shown rights in respect of the trademark GILEAD for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

As regards the second limb of the first element, the test for confusing similarity involves a reasoned but relatively straightforward comparison between the trademark and the disputed domain name. WIPO Overview 3.1, section 1.7. It has also long been held that gTLDs are generally disregarded when evaluating the confusing similarity between a disputed domain name and a trademark. See section 1.11.1 of the WIPO Overview 3.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

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 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. 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 3.1, 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.

The Panel finds that there is no relation, disclosed to the Panel or otherwise apparent from the record, between the Respondent and the Complainant. The Respondent is not a licensee of the Complainant, nor has the Respondent otherwise obtained an authorization to use the Complainant’s GILEAD trademark. Moreover, there is no element from which the Panel could infer the Respondent’s right over the disputed domain name under the Policy, or that the Respondent might be commonly known by the disputed domain name.

In addition, the website to which the disputed domain name resolves offers the disputed domain name for sale to the public at a price likely in excess of out-of-pocket costs directly related to it, which in the circumstances of this case could not be considered a bona fide offering of goods/services or justifying rights and legitimate interests on behalf of the Respondent. The Respondent did not file a formal response to the Complaint and, as such, the Respondent did not present any evidence for supporting any rights or legitimate interests in the disputed domain name.

Further, the Panel notes that the nature of the disputed domain name carries a risk of implied affiliation with the Complainant (see section 2.5.1 of the WIPO Overview 3.1).

In view of the foregoing, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name and that 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.

The disputed domain name was registered long after the Complainant had obtained registration of its GILEAD trademarks and used them in commerce. The disputed domain name is identical to the GILEAD trademark of the Complainant. Under these circumstances and given the fact that the Complainant has proved long use and fame of its trademark, the Panel considers that the Respondent has registered the disputed domain name with knowledge of the Complainant and its trademarks and that it targeted those trademarks. Additionally, the Panel agrees with decisions rendered by previous panels in the sense that the GILEAD trademarks are well-known. See e.g. *Gilead Sciences, Inc. v. Olutoyin Adeoye*, WIPO Case No. D2023-0303.

Previous panels appointed under the Policy have found that the mere registration of a domain name that is identical or confusingly similar to a famous trademark by an unaffiliated entity can in itself create a presumption of bad faith. WIPO Overview 3.1, section 3.1.4. This is so in the present case because the Complainant's GILEAD trademarks are well-known and have been extensively used worldwide.

As regards the use of the disputed domain name, the Panel notes that according to the unrebutted evidence put forward by the Complainant, the disputed domain name was put for sale at a minimum price of USD 4,188. This, in view of the finding that the Respondent has no rights to or legitimate interests in the disputed domain name, given also the distinctiveness of the Complainant's trademark and the identity of the disputed domain name with the Complainant's trademarks, as well as the failure of the Respondent to present a rationale for registering the disputed domain name appears to signal an intention on the part of the Respondent to derive commercial gain from the resale of the disputed domain name, riding on the distinctiveness of the Complainant's trademark (this Panel accepts that the amount for which the disputed domain name has been put for sale presumably exceeds, without evidence to the contrary, the Respondent's out-of-pocket expenses in registering the disputed domain name). The circumstances referred to in paragraph 4(b)(i) of the Policy are applicable.

Also, there appears to be a pattern of abusive registrations by the Respondent, as the Respondent was involved in at least one previous UDRP proceeding where similar facts caused the concerned UDRP panel to decide in favor of the complainant (See *H. Lundbeck A/S v. Samuel Ochanji, Carthage Domain Solutions, supra*).

Moreover, the Respondent has failed to rebut the Complainant's contentions and to provide any evidence of actual or contemplated good-faith use.

Based on the evidence and circumstances of this case, the Panel concludes that the disputed domain name was registered and is being used in bad faith. 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 <gilead.cloud> be transferred to the Complainant.

Mihaela Maravela

Sole Panelist

Date: June 29, 2026