

ADMINISTRATIVE PANEL DECISION

Modernatx, Inc. v. Ramos Terence
Case No. D2026-3656

1. The Parties

Complainant is Modernatx, Inc., United States of America (“United States”), internally represented.

Respondent is Ramos Terence, United States.

2. The Domain Name and Registrar

The disputed domain name <modernamrna.com> (the “Domain Name”) is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 14, 2026. On August 14, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On August 17, 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 (“User #7bcd1cee Privacy, PrivacyGuardian.org”) and contact information in the Complaint. The Center sent an email communication to Complainant on August 19, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on August 20, 2026.

The Center verified that the Complaint together with the amendment to the 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 August 24, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 13, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on September 14, 2026.

The Center appointed Kimberley Chen Nobles as the sole panelist in this matter on September 17, 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, a biotechnology company, develops messenger RNA (mRNA) medicines to treat and prevent disease. Its mRNA platform supports development across respiratory virus vaccines, latent and other virus vaccines, oncology therapeutics, and rare disease therapeutics, including the COVID-19 vaccine. In 2025, Complainant reported net product sales of approximately USD 1.8 billion from its commercial vaccine products.

Complainant owns numerous registered trademarks globally for the MODERNA and MODERNA-formative marks, such as:

- United States registered trademark number 4659803 for the MODERNA word mark, registered on December 23, 2014;
- United States registered trademark number 4675783 for the MODERNA design and word mark, registered on January 20, 2015; and
- United States registered trademark number 4811834 for the MODERNA word mark, registered on September 15, 2015.

Complainant also owns the domain name <modernatx.com>, registered on September 7, 2010, which is used for its corporate matters.

The Domain Name was registered on June 3, 2026, and resolves to Complainant's corporate site, <modernatx.com>. However, the Domain Name was used to configure mail-exchange ("MX") records, which enabled sending and receiving of emails based on the Domain Name, including the use of an email to a third party vendor from a sender purporting to be Complainant's actual employee, soliciting business from the third party.

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 trademarks; (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 MODERNA and that Respondent registered and is using the Domain Name with the intention to confuse Internet users looking for bona fide and well-known Moderna products and services.

Complainant notes that it has no affiliation with Respondent, nor authorized Respondent to register or use a domain name, which includes Complainant's trademarks, 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. Specifically, Complainant argues that Respondent used the Domain Name to impersonate or pose as Complainant's employee, so as to send phishing messages to Complainant's vendor as part of a fraudulent scheme to engage in fraudulent business solicitations.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

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 MODERNA trademarks, as noted above. Complainant has therefore proven that it has the requisite rights in the MODERNA trademarks.

With Complainant’s rights in the MODERNA trademarks 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, “.com”), is identical or confusingly similar to Complainant’s trademarks. 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 MODERNA trademarks as it reproduces the trademark in its entirety. The addition of the term “mrna” after Complainant’s trademark in the Domain Name does not prevent a finding of identity or confusing similarity between the Domain Name and the MODERNA trademarks. 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 MODERNA 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 MODERNA trademarks or to seek registration of any domain name incorporating these trademarks. Respondent is also not known to be associated with the MODERNA trademarks and there is no evidence showing that Respondent has been commonly known by the Domain Name, and rather it appears the Domain Name was chosen in furtherance of its fraudulent scheme impersonating Complainant.

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, Respondent used the Domain Name to engage in email communications with Complainant’s vendors, essentially impersonating Complainant through the use of emails sent from an actual employee of Complainant. Such use of the Domain Name is misleading and may result in giving the false impression to Internet users that the Domain Name is owned by Complainant. The resulting confusion would cause damage to Complainant’s reputation and goodwill, and interfere with Complainant’s business activities.

UDRP panels have consistently held that use of a domain name for illegal activity — such as impersonation or passing off — can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

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 MODERNA trademarks long predate the registration of the Domain Name. Complainant is also well established and known. Indeed, the record shows that Complainant's MODERNA trademarks and related products and services are widely known and recognized. Therefore, and also noting the below use analysis, Respondent was clearly aware of the MODERNA trademarks 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 inclusion of Complainant's trademark in its entirety in the Domain Name, further reflects the awareness that Respondent had of Complainant and its trademarks at the time of registration. 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.

Moreover, Respondent registered and is using the Domain Name to confuse and mislead consumers looking for the bona fide and well-known Moderna products and services of Complainant. In particular, Respondent used the Domain Name in an attempt to solicit and engage in fraudulent email communications with Complainant's vendor.

The resulting confusion from such impersonation and/or phishing communications would cause damage to Complainant's reputation and goodwill, and interfere with Complainant's business activities. The use of a domain name for email phishing and impersonation/passing off shows Respondent's acts of bad faith, and is not rebutted by Respondent.

UDRP panels have consistently held that a respondent's use of a domain name to trade off goodwill in a complainant's well-known trademark and impersonate complainant constitutes bad faith. Moreover, such use of the Domain Name may potentially result in tarnishing Complainant's reputation and goodwill.

Further, the Panel also notes the failure of Respondent to submit a response. In the present circumstances, considering the reputation of the MODERNA trademarks and the fraudulent use of the Domain Name, 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 <modernamrna.com> be transferred to Complainant.

/Kimberley Chen Nobles/

Kimberley Chen Nobles

Sole Panelist

Date: September 23, 2026