ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Intuitive Surgical Operations, Inc., v.胡博 (bo), 成都巾轩科技有限公司 (chengdoujinxuankejiyouxiangongsi), he jxing
Case No. D2026-4031

1. The Parties

The Complainant is Intuitive Surgical Operations, Inc., United States of America ("United States"), represented by Loza & Loza, LLP, United States.

The Respondents are 胡博 (bo), 成都巾轩科技有限公司 (chengdoujinxuankejiyouxiangongsi) ("Respondent 1"), China, and he jxing ("Respondent 2"), China.

2. The Domain Names and Registrars

The disputed domain name <intuitivesurgicalus.com> ("Domain Name 1") is registered with Xin Net Technology Corporation ("Registrar 1"), and <intuitivesurgic.com> ("Domain Name 2") is registered with Dynadot Inc ("Registrar 2").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on September 9, 2026. On September 9, 2026, the Center transmitted by email to the Registrars a request for registrar verification in connection with the Domain Names. On September 10, 2026, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the Domain Names which differed from the named Respondents (Redacted by the Registrar, and 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 September 14, 2026 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaint(s) for the Domain Names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that both Domain Names are under common control. The Complainant filed an amended Complaint in English on September 15, 2026.

On September 14, 2026, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for Domain Name 1 is Chinese. On September 15, 2026, the Complainant confirmed its request that English be the language of the proceeding. The Respondents did not submit any comment on the Complainant's submission.

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 Respondents in Chinese and English of the Complaint, and the proceedings commenced on September 24, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 14, 2026. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on October 16, 2026.

The Center appointed Karen Fong as the sole panelist in this matter on October 26, 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 part of the Intuitive Surgical corporate group, a United States medical technology company founded in 1995 and based in Sunnyvale, California. It pioneered robotic-assisted minimally invasive surgery and is best known for its da Vinci surgical system, which surgeons around the world use across a wide range of procedures.

The Complainant has used the INTUITIVE and INTUITIVE SURGICAL trade marks in connection with its robotic-assisted surgical systems which are sold to hospitals and procurement professionals all over the world for about three decades. The Complainant owns trade mark registration for the marks including the following:

- United States Trade Mark Registration No. 2364862 for INTUITIVE SURGICAL registered on July 4, 2000;
- United States Trade Mark Registration No. 2381704 for INTUITIVE registered on August 29, 2000;
- United States Trade Mark Registration No. 8060893 for INTUITIVE (stylized) registered on December 9, 2025.

(individually and collectively, the "Trade Mark").

Respondent 1 registered Domain Name 1 on August 24, 2026, and Respondent 2 registered Domain Name 2 on May 6, 2026. Both Respondents appear to be based in China. Both Domain Names resolve to websites (the "Websites") that use the Complainant's name, "Intuitive Surgical", refer to its robotic surgical systems and services, and invite hospital purchasers to submit inquiries and schedule evaluations. The footers of both Websites read "© 2026 Intuitive Surgical". Website at Domain Name 2 also displays a "MEDROBOT Surgical Health Tech" logo alongside its references to the Complainant and the Trade Mark.

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 Domain Names.

Notably, the Complainant contends that the Domain Names are confusingly similar to the Trade Mark in which it has rights, that the Respondents have no rights or legitimate interests with respect to the Domain Names, and that the Domain Names were registered and are being used in bad faith. The Complainant requests transfer of the Domain Names.

B. Respondents

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

6. Discussion and Findings

6.1. Preliminary Issues

A. Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different Domain Name registrants. The Complainant alleges that the Domain Name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple Domain Name registrants pursuant to paragraph 10(e) of the Rules.

The Domain Name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder. In addressing the Complainant's request, the Panel will consider whether (i) the Domain Names or corresponding Websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.11.2.

As regards common control, the Panel notes the following:

(1) Both the Domain Names comprise the Trade Mark as part of the Domain Names;

(2) The Websites are built from the highly similar template and share the similar page structure with content that is almost identical and they both target and impersonate the Complainant;

(3) The registrant of Domain Name 2 uses an email address associated with a Chinese web development company, and both Websites are run from that company's servers and send their contact forms to the same place;

(4) Both the registrants are located in China and have email addresses which are not connected to the Domain Names; and

(9) The Respondents failed to file any Response.

The evidence submitted points to the fact that the Domain Names are subject of common control by the Respondents. The above pattern evidences common conduct based on the registration and use of the Domain Names and that such conduct interferes with the Trade Mark. The Respondents had the opportunity but did not respond to the Complaint. As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different Domain Name registrants (referred to below as "the Respondent") in a single proceeding.

B. Language of the Proceeding

The language of the Registration Agreement for Domain Name 1 is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English. It is noted that Domain Name 2 is registered with a Registration Agreement in English. It is also noted that both the Websites are in English. Given that the Domain Names are under the common control of the Respondent, this is a clear indication that the Respondent is familiar with and understands the English language.

The Respondent has not challenged the Complainant's language request and in fact has failed to file a Response in either English or Chinese.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview 3.1, section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2 Substantive Issues

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

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The Panel finds the entirety of the Trade Mark is reproduced within both Domain Names. Accordingly, the Domain Names are confusingly similar to the Trade Mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

While the addition of the term "us" and "surgic" after the Trade Mark may bear on assessment of the second and third elements, the Panel finds the addition of these terms does not prevent a finding of confusing similarity between the Domain Names and the Trade Mark for the purposes of the Policy. WIPO Overview 3.1, section 1.8.

In addition, the Panel finds the mark is recognizable within the Domain Name 2, being an intentional misspelling of the Trade Mark. Accordingly, this is another reason why Domain Name 2 is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, sections 1.7 and 1.9.

Based on the available record, 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.

While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible 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. 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 record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Domain Names. 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 Domain Names such as those enumerated in the Policy or otherwise.

Based on the available record, 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.

In the present case, the Panel notes that the Respondent must have been aware of the Trade Mark when it registered the Domain Names given the reputation of the Trade Mark and the fact that both Websites target and impersonate the Complainant. It is therefore implausible that the Respondent was unaware of the Complainant when it registered the Domain Names.

In the WIPO Overview 3.1, section 3.2.2 states as follows:

"Noting the near instantaneous and global reach of the Internet and search engines, and particularly in circumstances where the complainant's mark is widely known (including in its sector) or highly specific and a respondent cannot credibly claim to have been unaware of the mark (particularly in the case of domainers), panels have been prepared to infer that the respondent knew, or have found that the respondent should have known, that its registration would be identical or confusingly similar to a complainant's mark. Further factors including the nature of the domain name, the chosen top-level domain, any use of the domain name, or any respondent pattern, may obviate a respondent's claim not to have been aware of the complainant's mark."

The fact that there is a clear absence of rights or legitimate interests coupled with the Respondent's choice of both Domain Names without any explanation is also a significant factor to consider (as stated in WIPO Overview 3.1, section 3.2.1). The Domain Names fall into the category stated above and the Panel finds that the registration is in bad faith.

The Domain Names are also being used in bad faith. The unauthorised use of and references to the Complainant's Trade Mark, the depictions and images of robotic systems, its invitation to hospital purchasers to submit inquires and schedule evaluations on the Websites without authorisation are calculated to mislead Internet users to believe its affiliation with the Complainant.

The content of some of the Websites was calculated to give the impression they have been authorised by or connected to the Complainant when this is not the case. These Websites were set up to deliberately mislead Internet users that they are connected to, authorised by, or affiliated with the Complainant. The Respondent employed the fame of the Trade Mark to mislead Internet users into visiting the Websites instead of the Complainant's particularly as the Websites do not have any information as to the lack of relationship with the Complainant. From the above, the Panel concludes that the Respondent has intentionally attempted to attract, for commercial gain, by misleading Internet users into believing that the Websites and the products purportedly offered for sale and sold on them are those of or authorised or endorsed by the Complainant.

It is highly likely that Internet users, when typing the Domain Names into their browser or finding them through a search engine, would have been looking for a site operated by the Complainant rather than the Respondent. The Domain Names are likely to confuse Internet users trying to find the Complainant's official website. Such confusion will inevitably result due to the fact that both the Domain Names include the Trade Mark.

The Panel therefore also concludes that the Domain Names were registered and are being used in bad faith under paragraph 4(b)(iv) of the Policy.

Based on the available record, 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 Domain Names <intuitivesurgicalus.com> and <intuitivesurgic.com> be transferred to the Complainant.

/Karen Fong/
Karen Fong
Sole Panelist
Date: November 16, 2026