ADMINISTRATIVE PANEL DECISION
OrbiMed Advisors LLC v. kirk tjalas
Case No. DAI2026-0022

1. The Parties

The Complainant is OrbiMed Advisors LLC, United States of America ("United States"), represented by Soteria LLC, United States.

The Respondent is kirk tjalas, United States, self-represented.

2. The Domain Name and Registrar

The disputed domain name <orbimed.ai> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 1, 2026. On April 2, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 2, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 7, 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 April 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 April 14, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 4, 2026. The Response was filed on April 11, 2026. The Center notified the Commencement of Panel Appointment Process on May 18, 2026. The Respondent sent another email communication on May 30, 2026, which among others indicated its willingness to resolve the matter amicably. On June 2, 2026, the Center informed the Parties that if they would like to explore settlement options, the Complainant should submit a request for suspension of the proceedings. On the same day, the Complainant requested the Center to proceed with the case.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on June 9, 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.

The Center received another email communication from the Respondent on June 9, 2026, indicating its intention to defend its rights to use the disputed domain name through a possible court proceeding.

4. Factual Background

The Complainant is a healthcare investment firm organized as a limited liability company under the laws of the State of Delaware, United States, with headquarters in New York, United States. The Complainant operates a website in English and Chinese at "www.orbimed.com". According to the Complainant, the Complainant is focused on making public and private investments in the healthcare and biotechnology industries and is considered one of the world's largest dedicated healthcare investment firms. The Complainant's website shows that the Complainant was founded in New York in 1989 and now has offices as well in San Francisco and Shanghai.

The Complainant's investment activity includes investments in healthcare companies leveraging artificial intelligence ("AI") such as Caris. Given the Complainant's participation in multiple rounds of Caris financing, the Complainant expresses concerns that the disputed domain name, with a name identical to the Complainant's ORBIMED mark and using the ".ai" Top-Level Domain ("TLD"), is likely to be confused with the Complainant.

The Complainant holds multiple trademark registrations for ORBIMED and derivative marks, including the following:

Mark	Jurisdiction	Reg. Number	Reg. Date	International Class
ORBIMED (word)	United States	2728642	June 24, 2003	36
ORBIMED PRIVATE INVESTMENTS (word)	United States	4567389	July 15, 2014	36
ORBIMED PARTNERS (word)	United States	4571388	July 22, 2014	36

The disputed domain name was created on October 24, 2024, and according to the Registrar's Verification is registered to the Respondent "kirk tjalas", listing no registrant organization, with a postal address in the States of Arizona, United States, and a contact email address at [xxx]@pmgcare.com. The Panel notes that this email address uses a domain name associated with the website of "PMG", Priority Medical Group LLC, a group of primary and psychiatric healthcare providers (including the Respondent, a licensed Family Nurse Practitioner or F.N.P.) with offices in Tucson, Arizona, United States. At the time of filing of the Complaint, the disputed domain name is hosting a default Registrar's page. At the time of this Decision, the disputed domain name resolves to a landing page hosted by the Registrar and "Powered by afternic" (a domain name marketplace owned by the Registrar) advertising the Registrar's services and suggesting that the disputed domain name is for sale, with a contact form through which site visitors ostensibly can "Get a price in less than 24 hours".

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 is identical or confusingly similar to its registered ORBIMED marks, particularly adding the ".ai" TLD, and asserts that the Respondent has no evident rights or legitimate interests, lacks permission, in a corresponding name, or any use other than a default GoDaddy parking page. The Complainant argues that "orbimed" is a coined term in use as a mark for 21 years and concludes (a) that the Respondent has no legitimate interests in it and (b) that the Respondent was likely aware of it and chose it for the disputed domain name to create a likelihood of confusion with the mark. The Complainant argues that this targeting of a well-known mark is a case of opportunistic bad faith and represents a security threat to the Complainant.

B. Respondent

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name. The Respondent does not dispute the Complainant's trademark rights but asserts a legitimate interest in the disputed domain name on the ground that it is composed of terms that suggest a business concept that the Respondent seeks to develop relating to "orbital medicine, with a possible focus on the use of artificial intelligence in healthcare applications" and "orbi" is for orbital or orbit and "med" is for medicine or medical. He suggests that this also explains the registration of the disputed domain name using the ".ai" TLD. As a licensed nurse practitioner, the Respondent also claims a broader interest in healthcare-oriented business concepts, and he argues as well that his general interest in AI is legitimate to reflect in the disputed domain name, so long as he is not targeting the Complainant's trademarks. The Respondent denies any intent to do so. The Respondent says that he acquired the disputed domain name "as part of a broader interest in .ai domain names and healthcare-oriented business concepts" (although he does not offer other examples). The Respondent replies to the Complainant's concerns about the interim use of the disputed domain name for a GoDaddy parking page while he was developing his business concept by remarking that this is a typical practice.

The Respondent argues that "[t]he Complaint offers no direct evidence that Respondent knew of Complainant at the time of registration", but the Respondent does not actually deny such prior awareness. The Respondent does expressly deny any intent to emulate the Complainant and observes that the disputed domain name has not been used for phishing or for hosting imitative content, and states that the Respondent has not contacted the Complainant in an attempt to sell the disputed domain name to the Complainant. The Respondent argues that this is not a "passive holding" or cybersquatting case, because he has described a plausible legitimate use of the disputed domain name.

The Respondent requests a finding of Reverse Domain Name Hijacking.

The Respondent also indicates "in the interest of avoiding further time, expense, and uncertainty for all parties", he is open to "discussing a good-faith, without-prejudice business resolution regarding the domain name" and he "would be willing to consider reasonable proposals and engage constructively toward a mutually acceptable outcome."

6. Discussion and Findings

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 trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark (the registered ORBIMED and derivative word marks) for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The entirety of the ORBIMED mark and of the ORBIMED element of the derivative marks is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical or confusingly similar, respectively, to those marks 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, and the Respondent has failed to rebut such case. The Respondent does not have a corresponding name, and there is no evidence showing that he has been commonly known by the disputed domain name. The Respondent does not explain in detail what the term "orbital medicine" means, from which the disputed domain name is ostensibly derived, apart from stating "orbi" is for orbital or orbit and "med" is for medicine or medical. The Respondent claims to have a "business concept" involving "orbital medicine" but offers no supporting evidence for this. The Respondent registered the disputed domain name more than 18 months ago but has only allowed it to be parked at the Registrar's page during this time. There is no evidence in the record of "demonstrable preparations" to use the disputed domain name in connection with a bona fide offering of goods or services, and there has been no legitimate noncommercial or fair use. Policy, paragraphs 4(c)(i) and (iii); WIPO Overview 3.1, sections 2.2 and 2.4. Thus, the Respondent has failed to rebut the Complainant's prima facie case.

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. These all require evidence from which the Panel may conclude that it is probable that the Respondent registered the disputed domain name with knowledge of the Complainant's mark and intended to exploit or attack it in some fashion.

The Respondent, as noted above, does not actually deny prior awareness of the Complainant or its marks, although the Respondent denies that his reason for registering the disputed domain name was to take advantage of the Complainant's reputation. As the Respondent is a healthcare professional, he is somewhat more likely than a member of the general public to be aware of the Complainant and its activities in his industry. The Respondent expresses a particular interest in applications of AI in healthcare, an area where the Complainant has also been active with Caris Life Sciences. (In just one 2023 round of financing, before the Respondent registered the disputed domain name, the Complainant attracted publicity by investing USD 400 million in Caris, as documented in the Complaint.) More significantly, the disputed domain name is not a dictionary word or phrase and is identical to the Complainant's long-established mark. As noted in the preceding section, the Respondent claimed an interest in an abbreviated form of "orbimed" to describe "orbital medicine" but did not define that term or explain what his proposed business concept was for "orbital medicine". And while he claimed a broader "interest" in acquiring medical and AI domain names, he did not offer proof of purchasing any other than the disputed domain name. It would be expected, when acquiring the disputed domain name and planning to develop it into a website for a related business, that the Respondent would look into possible direct conflicts. The Complainant's website was already present on the more commonly used ".com" TLD, at "www.orbimed.com", and it would be hard to avoid discovering the Complainant online. The Panel notes, moreover, that first five screens of Internet search results for "orbimed" using a browser based in the United States relate exclusively or prominently to the Complainant.[1]

In the totality of these circumstances, the Panel finds it likely that the Respondent was aware of the Complainant with its identical mark and ".com" website using the same string. The Respondent (who is not represented by legal counsel in this proceeding) may not have intended to "compete" with the Complainant and may have considered that he had a legitimate reason for taking the same name to act in a "different" field, but the disputed domain name is identical to a well-known trademark that the Complainant has spent decades using and associating with its reputation. The Respondent does not have the right to endanger that mark by false association. This is why allowing the disputed domain name to be published for months or years on the Registrar's landing page, even without material content, actually qualifies as an example of bad faith under the Policy, particularly considering the reputation of the Complainant's mark and the composition of the disputed domain name, which may create a likelihood confusion among Internet users by leading them to believe that the website at the disputed domain name is operated or sponsored by the Complainant, contrary to the fact. This is deemed bad faith under the Policy even apart from other potential risks of misuse such as phishing, malware, and distasteful content falsely associated with the trademark holder.

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 also 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.

Although the disputed domain name has not been actively used, panels have found that the non-use of a domain name (as in some of the cases cited by the Complainant) would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. WIPO Overview 3.1, section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, which is well established and comprised of abbreviations (one of them uncommon in the Panel's opinion) not dictionary words, and the composition of the disputed domain name (which is identical), and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy. While the Respondent has advanced arguments for possible legitimate uses of the disputed domain name, these are hypothetical to date with no supporting evidence and not convincing under the circumstances.

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[1]Noting the general powers of a panel articulated in paragraphs 10 and 12 of the Rules, it is commonly accepted that a panel may undertake limited factual research into matters of public record, as the Panel has done in these proceedings. WIPO Overview 3.1, section 4.8.

The Panel finds that the Complainant has established the third element of the Policy.

Noting the Panel finds that the Complainant has successfully established three elements of the Policy, the Complaint was not brought in bad faith.

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 <orbimed.ai> be transferred to the Complainant.

/W. Scott Blackmer/
W. Scott Blackmer
Sole Panelist
Date: June 17, 2026