

ADMINISTRATIVE PANEL DECISION

CitiusTech Healthcare Technology Private Limited v. Munsha Ahmed
Case No. DAI2024-0005

1. The Parties

The Complainant is CitiusTech Healthcare Technology Private Limited, India, represented by Vutts & Associates LLP, India.

The Respondent is Munsha Ahmed, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <citius.tech.ai> is registered with 1API GmbH (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 17, 2024. On January 18, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 19, 2024, and January 25, 2024, 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, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 26, 2024, 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 January 31, 2024.

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 January 31, 2024. In accordance with the Rules, paragraph 5, the due date for Response was February 20, 2024. On January 31, 2024 and February 16, 2024, the Respondent sent email communications to the Center.

The Center appointed John Swinson as the sole panelist in this matter on February 29, 2024. 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 was established in 2005 under the name Citius IT Solutions Private Limited. The Complainant changed its name to CitiusTech Healthcare Technology Private Limited on October 10, 2015.

The Complainant is a provider of healthcare technology services and solutions. The Complainant builds applications, deploys enterprise-level software, and provides healthcare analytics. The Complainant's sales revenue is significant.

The Complainant is headquartered in India and does business in India, the United States of America ("United States"), the United Kingdom, the United Arab Emirates and Singapore.

The Complainant owns registered trademarks in India and the United States, including United States Trademark Registration No. 4628601 for CITIUSTECH that was filed on April 1, 2014, and registered on October 28, 2014.

The Respondent's husband operates an IT business in England that is called BitSense Digital.

The disputed domain name was registered on February 14, 2023.

The disputed domain name resolves to a registrar generated parking page with pay-per-click links ("PPC").

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 Complainant's CITIUSTECH trademark is distinctive and well-known, and a preliminary trademark search by the Respondent would have revealed the Complainant's trademarks and the Complainant's website at "www.citiustech.com" would have been found easily. It is apparent that the Respondent has acquired the disputed domain name with full knowledge of the existence of the Complainant and its rights in the CITIUSTECH trademark.

B. Respondent

The Respondent filed an informal Response.

The Respondent contends that the Respondent registered the disputed domain name on behalf of her husband who runs an IT business focused on AI products. This business, which has been in existence for 4 years, is named BitSense Digital and is operated by a company called BitSense Ltd. This company was incorporated in the United Kingdom in August 2019. This business has a website located at <bitsensedigital.com>. The Respondent states that there is an intention to rebrand in the future.

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- (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 onus of proving these elements is on the Complainant.

Paragraph 15(a) of the Rules directs the Panel to decide the 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.

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 Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

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 3.0](#), 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 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 3.0](#), 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 Respondent states that her husband's business intends to rebrand in the future. The Respondent does not state specify the proposed new brand, but presumably it will involve the term "CitiusTech". The Respondent provides no evidence or details of the proposed rebrand or when it is likely to take place. The Respondent does not specify why the Respondent selected the disputed domain name for this rebrand, other than that the Respondent desired a ".ai" domain name..

The Respondent's husband has a legitimate business, BitSense Digital, but this is not sufficient to provide rights or legitimate interests in the disputed domain name.

Accordingly, the Respondent has not shown use of or demonstrable preparations to use the "CitiusTech" name or the disputed domain name.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Paragraph 4(a)(iii) of the Policy provides that the Complainant must establish that the Respondent registered and subsequently used the disputed domain names in bad faith.

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by the complainant. The question to be asked is whether the respondent registered and is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant. This requires proof that when the respondent registered or acquired the disputed domain name, the respondent was aware of the Complainant or its trademark and then registered or acquired the disputed domain name with the intent to take advantage of the trademark value or significance of the complainant's trademark.

In the present case, the Complainant provided little evidence that the Complainant or its relevant trademark is known in the United Kingdom where the Respondent is located. However, the Panel is prepared to infer that the Respondent was aware of the Complainant's CITIUSTECH trademark when the Complainant registered the disputed domain name. This is because the trademark is relatively unique, a simple Google search from the United Kingdom by the Respondent would have revealed the Complainant's website, and the Respondent is sophisticated in respect of the Internet and is involved in a business that designs websites. The Respondent provided no explanation as to why the Respondent selected the disputed domain name. The term "Citius" is Latin for "faster" or "swifter". It is part of the famous Olympic Games motto "Citius, Altius, Fortius" which means "Faster, Higher, Stronger". There is, however, no necessary connection between "Citius" and "Tech", other than such use by the Complainant. The Panel notes that the Respondent's husband's business' current name includes "Digital" not "Tech".

The evidence submitted by the Complainant shows that, at the time of filing the Complaint, the disputed domain name resolved to a website containing PPC links related to healthcare, patient and clinical services, all of which are related to the nature of services provided by the Complainant. Accordingly, the Panel finds that paragraph 4(b)(iv) of the Policy applies in the present case.

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 <citius.tech.ai> be transferred to the Complainant.

/John Swinson/

John Swinson

Sole Panelist

Date: March 14, 2024