

ADMINISTRATIVE PANEL DECISION

Sentara Healthcare v. Katherine Cole

Case No. D2023-0811

1. The Parties

Complainant is Sentara Healthcare, United States of America (“United States”), represented by The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC, United States.

Respondent is Katherine Cole, United States.

2. The Domain Name and Registrar

The disputed domain name <wavenet-sentara.com> (hereinafter the “Disputed Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 23, 2023. On February 23, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On February 23, 2023, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on March 2, 2023, 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 March 2, 2023.

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 March 3, 2023. In accordance with the Rules, paragraph 5, the due date for Response was March 23, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on March 24, 2023.

The Center appointed Lawrence K. Nodine as the sole panelist in this matter on April 13, 2023. 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.

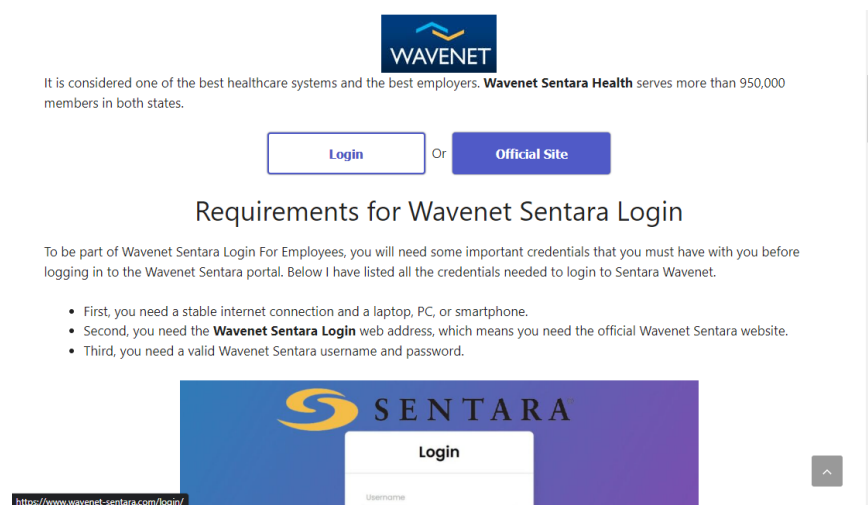
4. Factual Background

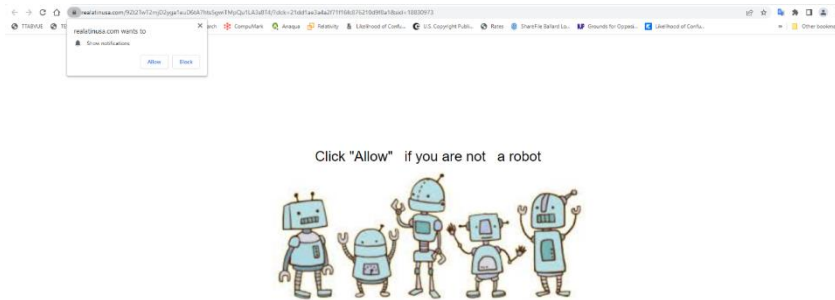
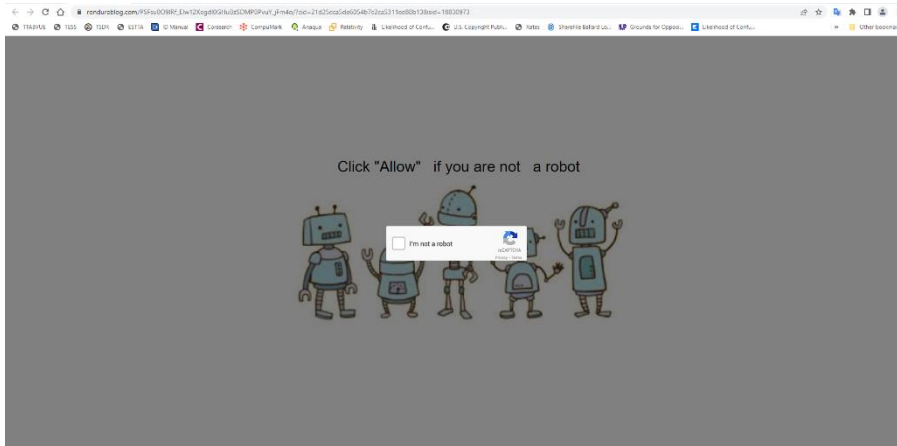
Complainant is an integrated, not-for-profit health care delivery system and uses the SENTARA mark in connection with its health care services. Complainant has 30,000 employees, 12 hospitals in Virginia and Northeastern North Carolina, and operates the Sentara Health Plans division, which serves more than 1.2 million members in Virginia and Florida. Complainant was named to IBM Watson Health's "Top 15 Health Systems" (2021, 2018), and was recognized by Forbes as a "Best Employer for New Grads" (2022), "Best Employer for Veterans" (2022), and "Best Employer for Women" (2020). Of relevance to this proceeding, Complainant owns the following United States trademark registrations:

- SENTARA, Registration No. 2,388,447 (registered on September 19, 2000);
- SENTARA, Registration No. 4,332,264 (registered on May 7, 2013);
- SENTARA, Registration No. 4,132,528 (registered on April 24, 2012);
- SENTARA, Registration No. 4,230,434 (registered on October 23, 2012);
- SENTARA, Registration No. 4,230,435 (registered on October 23, 2012)

(collectively herein referred to as the "Mark"). Additionally, Complainant owns the domain name <sentara.com>, which it registered on April 18, 1994. Complainant also owns the domain name <wavenet.sentara.com>, which it uses for its corporate intranet site available only to its employees.

Respondent registered the Disputed Domain Name on January 30, 2023, long after Complainant registered the SENTARA trademark. The evidence submitted with the Complaint establishes that the webpage associated with the Disputed Domain Name previously resolved to a webpage featuring a number of blog posts written in Vietnamese and English. Currently, the Disputed Domain Name resolves to a website that purports to feature information on Complainant's "Wavenet Sentara." The webpage incorporates Complainant's logos and features buttons labeled "Official Site" and "Login," which redirect to a website ("www.wavenet-sentara.com/login") that purports to be Complainant's user registration page. The site then immediately redirects to a page asking that the user confirm he or she is not a robot and to allow notifications, which then redirects to an identical page asking the same questions.





Then it leads to pages that instruct the user to proceed to fill in forms that request the user's social security numbers.

5. Parties' Contentions

A. Complainant

Complainant contends that its United States trademark registrations establish its rights in the SENTARA trademark and that the Disputed Domain Name is confusingly similar to its registered Mark because it encompasses the entirety of the Mark. Complainant further argues that the addition of the term "wavenet" does not prevent confusing similarity but rather increases it because Complainant uses the domain name <wavenet.sentara.com> for its corporate intranet site.

Complainant contends that Respondent has no rights or legitimate interests in the Disputed Domain Name. To Complainant's knowledge, Respondent has never been known by the Disputed Domain Name and Complainant has not licensed Respondent to use the SENTARA mark. Complainant alleges that Respondent's use of the Disputed Domain Name does not constitute fair use or legitimate noncommercial use because the webpage that resolves from the Disputed Domain Name, at the time of the filing of the Complaint, consisted of blog-like posts about a variety of topics including technology, fraud, shopping, manufacturing, and finances, none of which are related to the Disputed Domain Name. Complainant further argues that Respondent's inclusion of blog-like content on the website associated with the Disputed Domain Name is akin to a type of website that has been referred to as a "splog" – and does not create rights or legitimate interests.

Complainant alleges that Respondent registered and continues to use the Disputed Domain Name in bad faith. First, Complainant argues that the Mark is famous and, therefore, Respondent must have been aware of Complainant's rights in the Mark at the time it registered the Disputed Domain Name. As such, Complainant contends that Respondent registered the Disputed Domain Name with the intent to disrupt

Complainant's relationship with its customers or potential customers by causing confusion amongst users who intend to visit Complainant's website. Complainant argues that under the doctrine of initial interest confusion, even if Internet users recognize that the webpage associated with the Disputed Domain Name is not affiliated with Complainant, because these users saw the Disputed Domain Name and thought that it may lead to a website associated with Complainant, the Disputed Domain Name is being used in bad faith.

B. Respondent

Respondent did not submit a response to the Complaint.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Panel finds that Complainant's trademark registrations establish that it has rights in the SENTARA trademark. The Panel further finds that, because the Disputed Domain Name incorporates Complainant's mark entirely, it is confusingly similar to Complainant's registered Mark. Respondent's addition of the term "wavenet" and incorporation of a hyphen in the Disputed Domain Name does not prevent a finding of confusing similarity. *The Royal Bank of Scotland Group plc v. Registration Private, Domains by Proxy, LLC / Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2020-0894](#).

Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Complainant has presented a *prima facie* case for Respondent's lack of rights or legitimate interests in the Disputed Domain Name, which Respondent has not rebutted. Complainant has not authorized Respondent to use its Mark and Respondent's registration of the Disputed Domain Name without any relationship with Complainant or Complainant's Mark itself creates a strong presumption that Respondent lacks rights or legitimate interests in the Disputed Domain Name. See, e.g., *Pfizer Inc. v. NA*, WIPO Case No. [D2005-0072](#). Moreover, given the composition of the disputed domain name that reflects the Complainant's SENTARA mark in its entirety, there is a strong inference of association to the Complainant, which is reinforced given that the disputed domain name removes the period that separates the Complainant's SENTARA mark from the Complainant's <wavenet.sentara.com> subdomain, ultimately creating a risk of implied affiliation to the Complainant, contrary to the fact, that cannot constitute fair use.

Additionally, at the time of the filing of the Complaint, the Disputed Domain Name was not used in connection with a *bona fide* offering of goods or services. The screenshots provided by Complainant show that the Disputed Domain Name featured various unrelated blog posts written in Vietnamese and English. See *Meta Platforms, Inc. v. Doan Quoc, Doan Bao Binh*, WIPO Case No. [D2022-1303](#). Currently, Respondent is using the Disputed Domain Name to resolve to website that replicates the look and feel of Complainant's website, which is evidence that Respondent has engaged in a dishonest impersonation of Complainant with the intent to mislead Internet users. Such use cannot confer rights or legitimates rights on a respondent. See [WIPO Overview 3.0](#), section 2.13.1 ("the use of a domain name for illegal activity (e.g., [...] impersonating/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent").

The Panel finds that Respondent does not have rights or legitimate interests in the Disputed Domain Name and that Complainant has satisfied paragraph 4(a)(ii) of the Policy

C. Registered and Used in Bad Faith

The Panel finds that Respondent registered and used the Disputed Domain Name in bad faith. Because the Disputed Domain Name currently resolves to a website that has the same look and feel as Complainant's

website, the Panel infers and finds that Respondent registered and uses the Disputed Domain Name in bad faith. By copying the look and feel of Complainant's "www.wavenet.sentara.com" website in order to impersonate Complainant, it is clear that Respondent was aware of and targeted Complainant in bad faith. See *Elliott Investment Management L.P. v. Domains By Proxy, LLC, DomainsByProxy.com / Murat Akbala*, Case No. [D2022-2699](#).

Additionally, because the website associated with the Disputed Domain Name immediately and continually refreshes to a repeating loop of webpages asking the visitor to allow notifications and confirmation that the user is not a robot, the Panel concludes that Respondent is using the Disputed Domain Name as part of a scam or fraudulent scheme to obtain user's personal information and/or to distribute malware. Such use of a domain name is evidence of bad faith. See [WIPO Overview 3.0](#), section 3.4; see also *Facebook Inc. v. June Kimchi c/o Dynadot*, WIPO Case No. [D2018-2251](#).

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, <wavenet-sentara.com>, be transferred to Complainant.

/Lawrence K. Nodine/

Lawrence K. Nodine

Sole Panelist

Date: April 27, 2023