

ADMINISTRATIVE PANEL DECISION

Sentara Healthcare v. 杨智超 (Zhi Chao Yang)

Case No. D2023-0812

1. The Parties

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

The Respondent is 杨智超 (Zhi Chao Yang), China.

2. The Domain Names and Registrars

The disputed domain names <comsentaracareers.com>, <senntaracareers.com>, <sentaraacareers.com>, <sentaraacreeers.com>, <sentaraareers.com>, <sentaracaareers.com>, <sentaracaerers.com>, <sentaracareerd.com>, <sentaracareerrs.com>, <sentaracareerss.com>, <sentaracareesr.com>, <sentaracareets.com>, <sentaracareres.com>, <sentaracarewrs.com>, <sentaracarwers.com>, <sentaraccareers.com>, <sentaracraeers.com>, <sentaracsreers.com>, <sentaravareers.com>, <sentaraxareers.com>, <sentarracareers.com>, <senttaracareers.com>, <ssentaracareers.com>, and <wwwsentaracareers.com> are registered with Cloud Yuqu LLC (the “Registrar”).

The disputed domain names <mysentaracareers.com> and <sentaracaeers.com> are registered with Chengdu West Dimension Digital Technology Co., Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on February 23, 2023. On February 23, 2023, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On February 24, 2023, the Registrars transmitted by email to the Center their verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 24, 2023, providing the registrant and contact information disclosed by the Registrars, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint in English on February 26, 2023.

On February 24, 2023, the Center transmitted an email communication to the Parties in English and Chinese regarding the language of the proceeding. On February 26, 2023, the Complainant submitted its request

that English be the language of the proceeding. The Respondent did not comment on the language of the proceeding.

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 the Respondent in English and Chinese 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. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 24, 2023.

The Center appointed Andrew Sim as the sole panelist in this matter on April 12, 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

The Complainant is an American not-for-profit health care delivery system founded in 1888 that delivers healthcare services to the members in Virginia and Florida.

The Complainant is the owner of trademark registrations of the SENTARA mark across various jurisdictions, including United States (United States trademark registration No. 2388447, registered on September 19, 2000; United States trademark registration No. 4332264, registered on May 7, 2013; United States trademark registration No. 4132528, registered on April 24, 2012; United States trademark registration No. 4230434, registered on October 23, 2012; and United States trademark registration No. 4230435, registered on October 23, 2012).

The Complainant maintains its presence on the Internet through its primary domain name <sentara.com>, hosting its primary website at “www.sentara.com”, which the Complainant uses to provide authorized information and details regarding its healthcare services. The Complainant acquired the domain name since April 18, 1994.

All disputed domain names were registered on December 19, 2022. According to the evidence produced by the Complainant, the disputed domain names are identical or confusingly similar to a number of the Complainant’s registered trademarks containing the word “Sentara”, and the Respondent used the disputed domain names in connection with pay-per-click or monetized parking pages that include links for services related to the SENTARA marks.

5. Parties’ Contentions

A. Complainant

The Complainant contends that the disputed domain names are identical or confusingly similar to a number of the Complainant’s registered trademarks containing the word “Sentara”. Most of the disputed domain names contain the SENTARA trademark in its entirety, while some other disputed domain names contain a typographical variation of the SENTARA trademark, the word “careers”, or a typographical variation of thereof, *etc.* The overall impression of the designation of each of the disputed domain names alludes to some kind of connection to the Complainant’s registered SENTARA marks.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed

domain names. The Complainant has not assigned, granted, sold, or given the Respondent any license, authorization, or permission to use the Complainant's trademarks in any manner, including the disputed domain names. Further, the Respondent is not commonly known by the disputed domain names, and has never acquired any trademark or service mark. In addition, the Respondent used the disputed domain names in connection with pay-per-click or monetized parking pages that includes links for services related to the SENTARA marks. The conduct of the Respondent fails to constitute a *bona fide* offering of good or services, or legitimate noncommercial or fair use of the disputed domain names. Thus, the Respondent has no rights or legitimate interests in respect of the disputed domain names.

The Complainant finally contends that the disputed domain names were registered and are being used in bad faith.

B. Respondent

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

6. Discussion and Findings

6.1 Procedural Matter - Language of the Proceeding

The Rules, in paragraph 11(a), provide that unless otherwise agreed by the parties or specified otherwise in the registration agreement, the language of the proceeding shall be the language of the registration agreement, subject to the authority of the panel to determine otherwise, having regard to the circumstances of the administrative proceeding. According to the information received from the Registrars, the language of the Registration Agreements is Chinese.

The Complainant submits that the language of the proceeding should be English. The Complainant mainly contends that each of the disputed domain names consists of the English word "careers" (or a typographical variation thereof); that each of the disputed domain names has been used by the Respondent in connection with a website containing only English content; and that previous UDRP panels have found English to be the appropriate language in proceedings involving the same Respondent as in this proceeding (see, e.g., *Southern Glazer's Wine and Spirits, LLC v. 杨智超 (Zhi Chao Yang)*, WIPO Case No. [D2022-4786](#)).

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.

In view of the above, the Panel accepts the Complainant's submissions regarding the language of the proceeding. The Complainant may be unduly disadvantaged by having to conduct the proceeding in Chinese. The Panel further notes that the Center has notified the Respondent in both Chinese and English of the language of the proceeding and the commencement of the proceeding. The Respondent chose not to comment on the language of the proceeding or respond to the Complaint in either English or Chinese. Having considered all the circumstances of this case, the Panel determines that English be the language of the proceeding.

6.2 Substantive Matter – Three Elements

Under the Policy, the Complainant must prove that:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which it has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain names; and

(iii) the disputed domain names have been registered and are being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has established that it has registered trademark rights in the SENTARA marks.

The test for confusing similarity involves a reasoned but relatively straightforward comparison between the trademarks and the disputed domain names. It is long-established that the generic Top-Level Domain “.com” may be ignored when assessing the confusing similarity between the disputed domain names and the Complainant’s trademarks. Only the second-level portion of the disputed domain names is taken into consideration.

Most of the disputed domain names incorporate the Complainant’s registered SENTARA mark in its entirety. It is sufficient to establish the confusing similarity between the Complainant’s trademarks and the disputed domain names.

Further, four disputed domain names (<ssentaracareers.com>, <senntaracareers.com>, <sentarracareers.com>, and <senttaracareers.com>) contain a typographical variation of the SENTARA trademark by plainly repeating a single letter (“s”, “n”, “r”, or “t”). Such replication of a single letter does not prevent a finding of confusing similarity between the Complainant’s trademarks and the disputed domain names. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.9.

While the word “careers” or a typographical variation of thereof is contained in each of the disputed domain names, three of the disputed domain names (<mysentaracareers.com>, <comsentaracareers.com>, and <wwwsentaracareers.com>) contain an extra word or characters in addition to the above. None of such additions would prevent a finding of confusing similarity between the Complainant’s trademarks and the disputed domain names. [WIPO Overview 3.0](#), section 1.8.

Given the above analysis, the Panel finds that the disputed domain names are confusingly similar to trademarks in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant asserts that it has no connection with the Respondent, and has not assigned, granted, licensed, sold, transferred, or authorized the Respondent to use its trademarks in any manner. The Panel agrees with the Complainant that the Respondent, who is identified as “杨智超 (Zhi Chao Yang)”, does not resemble the Complainant’s trademarks or the disputed domain names in any manner.

According to the Complainant, the Respondent used the disputed domain names in connection with pay-per-click or monetized parking pages that include links for services related to the SENTARA marks. The Panel agrees with the Complainant that such operation of commercial link services with the disputed domain names was designed to attract Internet users and mislead them to other commercial sites. Therefore, the conduct of the Respondent fails to constitute a *bona fide* offering of good or services, or legitimate noncommercial or fair use of the disputed domain names.

The Complainant also contends that the Respondent has neither been commonly known by any of the disputed domain names, nor acquired any trademark or service mark rights in any of the disputed domain names. This argument is further supported by the fact that none of the WhoIs records identifies the Respondent by a name associated with any of the disputed domain names or any variation as the Complainant’s marks, and that the use of the SENTARA mark by the Complainant has been continuous for more than 24 years.

Therefore, the Panel accepts that, on a balance of probabilities, these allegations were soundly based and

the Complainant has established a *prima facie* case. The burden of production to demonstrate its rights or legitimate interests in respect of the disputed domain names shifts to the Respondent, and the Respondent failed to submit a response. The Panel concludes that the Respondent has not rebutted the Complainant's *prima facie* case.

C. Registered and Used in Bad Faith

The Panel agrees with the Complainant that the Respondent was most likely aware of the Complainant's services, and trademarks before or when the Respondent registered the disputed domain names. The disputed domain names were registered after the Complainant registered its SENTARA marks for a long time. This is clear when considering that the Complainant owns at least 25 trademark registrations, and some of which have been used and registered for more than two decades, and its significant scale of activities of its healthcare system. From the fact that the disputed domain names are so obviously connected with the Complainant, it is likely that the Respondent chose to register the confusingly similar disputed domain name in order to obtain a commercial benefit from using the disputed domain names in connection with a monetized parking pages and misleading unsuspecting Internet users into believing such disputed domain names and their associated website content are connected to the Complainant. Even if the Respondent argues that it was unaware of the monetized parking pages associated with the disputed domain names, it does not prevent the Panel's finding on the Respondent's bad faith considering the circumstances of this case and moreover, prior panels have held that a respondent cannot disclaim responsibility for content appearing on the website associated with its domain name regardless if "automatically" generated. [WIPO Overview 3.0](#), section 3.5.

As indicated in section 6.2B above, the Complainant has satisfied the Panel that it is more likely than not that the Respondent was not using the disputed domain names for *bona fide* offering of goods or services. The disputed domain names prevented the Complainant from reflecting the mark in the corresponding domain names, and such abusive pattern of targeting of the Complainant's marks is clearly reflected by the registration of 26 disputed domain names by the Respondent. Therefore, an inference of bad faith can be drawn from such behavior.

The Panel is therefore satisfied that the disputed domain names were registered and are being used in bad faith within the meaning of paragraphs 4(a)(iii) and 4(b)(ii) 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 names <comsentaracareers.com>, <mysentaracareers.com>, <senntaracareers.com>, <sentaraacareers.com>, <sentaraacreeers.com>, <sentaraareers.com>, <sentaracaareers.com>, <sentaracaeeers.com>, <sentaracaerers.com>, <sentaracareerd.com>, <sentaracareerrs.com>, <sentaracareerss.com>, <sentaracareersr.com>, <sentaracareets.com>, <sentaracareres.com>, <sentaracarewrs.com>, <sentaracarwers.com>, <sentaraccareers.com>, <sentaracraeers.com>, <sentaracsreers.com>, <sentaravareers.com>, <sentaraxareers.com>, <sentarracareers.com>, <senttaracareers.com>, <ssentaracareers.com>, and <wwwsentaracareers.com> be transferred to the Complainant.

/Andrew Sim/

Andrew Sim

Sole Panelist

Date: April 26, 2023