

## **ADMINISTRATIVE PANEL DECISION**

### **Sentara Healthcare v. Name Redacted**

### **Case No. D2023-2416**

#### **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 Name Redacted<sup>1</sup>.

#### **2. The Domain Name and Registrar**

The disputed domain name <sentarahealth.works> is registered with NameCheap, Inc. (the “Registrar”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 3, 2023. On June 5, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 5, 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 the Complainant on June 6, 2023, 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 amendment to the Complaint on June 7, 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”).

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<sup>1</sup> The Respondent appears to have used the name of the Complainant when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this Decision. However, the Panel has attached as Annex 1 to this Decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding and has indicated that Annex 1 to this Decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on June 8, 2023. In accordance with the Rules, paragraph 5, the due date for Response was June 28, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 29, 2023.

The Center appointed William F. Hamilton as the sole panelist in this matter on July 7, 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 employs 30,000 persons and operates 12 hospitals. Sentara Health Plans division serves more than 1.2 million members in the United States.

The Complainant registered the domain name <sentara.com> on April 18, 1994, which is utilized by the Complainant to resolve to its principal website.

The disputed domain name was registered on May 8, 2023. (Annex 1). The Respondent configured MX records for the disputed domain name that enable the Respondent to send and receive email with addresses that use the disputed domain name. (Annex 9).

The Complainant owns at least twenty-five trademark registrations at the United States Patent and Trademark Office that consist of or contain the mark SENTARA (the "Mark"), the earliest of which is Registration No. 2,388,447 registered on September 19, 2000.

The disputed domain name does not resolve to an active website. (Annex 7). However, an email address associated with the disputed domain name has been used to phish personally identifying information from unsuspecting individuals believing that they are communicating with the Complainant. (Annex 8).

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant asserts that the disputed domain name is confusingly similar to the Mark because the disputed domain name adopts the Mark entirely and merely adds the word "health". The Complainant asserts that the Respondent was never authorized by the Complainant to use the disputed domain name or the Mark, is not generally known by the disputed domain name, never operated a business under the disputed domain name, has not advertised the disputed domain name, and never engaged in any *bona fide* commercial activity in connection with the disputed domain name. The Complainant asserts that the Respondent registered and used the disputed domain name in bad faith to disrupt the Complainant's business and phish information from persons seeking employment with the Complainant.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, to succeed the Complainant must satisfy the Panel that:

- (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 was registered and is being used in bad faith.

#### **A. Identical or Confusingly Similar**

The Panel finds that the disputed domain name is confusingly similar to the Mark. The disputed domain name entirely incorporates the Mark and merely adds the word “health”. A domain name which wholly incorporates a complainant’s registered mark is sufficient to establish confusingly similarity for the purposes of the Policy when, as here, the Mark is clearly recognizable within the disputed domain name notwithstanding the addition of the word “health”. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.8 (“where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographic, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element”).

The generic Top-Level Domain (“gTLD”) of the disputed domain name, here “.works”, may be disregarded for the purposes of assessment under the first element because the gTLD is viewed as a standard registration requirement. See [WIPO Overview 3.0](#), section 1.11.1; *Monster Energy Company, a Delaware Corporation v. J.H.M. den Ouden*, WIPO Case No. [D2016-1759](#); *International Business Machines Corporation v. Sledge, Inc. / Frank Sledge*, WIPO Case No. [D2014-0581](#).

#### **B. Rights or Legitimate Interests**

The Panel finds that the Respondent does not have any rights or legitimate interests in the disputed domain name.

The Complainant has specifically disavowed providing the Respondent with permission to use the disputed domain name or the Mark. The Respondent is not affiliated with the Complainant in any way and does not have any business relationship with the Complainant. There is no evidence that the Respondent has conducted any *bona fide* business under the disputed domain name or is commonly known by the disputed domain name. *Compagnie de Saint Gobain v. Com-Union Corp.*, WIPO Case No. [D2000-0020](#).

The Complainant has thus established a *prima facie* case in its favor, which shifts the burden of production on this point to the Respondent. The Respondent, however, has failed to come forth with any evidence showing any rights or legitimate interests in the disputed domain name.

Moreover, the prominent placement of the Mark in the disputed domain name followed by a word related to medical services, *viz.* “health,” falsely suggests that the disputed domain name will resolve to websites related to the Complainant’s medical services. [WIPO Overview 3.0](#), section 2.5.1. Additionally, the use of the disputed domain name in connection with an employment phishing scheme rebuts any possible claim of any rights or legitimate interests of the Respondent in the disputed domain name. *Swiss Re Ltd v. Domain Administrator, Fundacion Privacy Services LTD*, WIPO Case No. [D2021-1549](#).

#### **C. Registered and Used in Bad Faith**

Under paragraph 4(b) of the Policy, bad faith may be established by any one of the following scenarios:

- (i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable

consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or

- (ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
- (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

The Panel finds that the disputed domain name was registered and used in bad faith.

Common sense compels the conclusion that the Respondent was aware of the Complainant's well-known Mark when registering the disputed domain name and that the Respondent intentionally registered the disputed domain name to mislead unsuspecting Internet users into believing that the disputed domain name would resolve to a website affiliated, sponsored, or associated with the Complainant.

Moreover, on the evidence presented, the Panel finds that the Respondent registered the disputed domain using false registration information and subsequently used an email associated with the domain name to trick a person seeking employment with the Complainant into providing personal identifying information. The phishing scheme of the Respondent is highlighted by the Respondent's choice of the gTLD ".works" which deceptively suggests the disputed domain name would resolve to an employment related website associated with the Complainant.

Finally, even ignoring the above compelling evidence of bad faith registration and use, it is difficult to conceive of any use that the Respondent might make of the disputed domain name without the Complainant's consent that would not involve bad faith. *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#); *Verner Panton Design v. Fontana di Luce Corp*, WIPO Case No. [D2012-1909](#) (where the reputation of a complainant in a given mark is significant and the mark bears strong similarities to the disputed domain name, the likelihood of confusion is such that bad faith may be inferred).

## 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 <sentarahealth.works> be transferred to the Complainant.

*/William F. Hamilton/*

**William F. Hamilton**

Sole Panelist

Date: July 14, 2023