

ADMINISTRATIVE PANEL DECISION

Signify Health, LLC v. 钱梦聃 (Meng Dan Qian)

Case No. D2023-4713

1. The Parties

The Complainant is Signify Health, LLC, United States of America (“United States” or “U.S.”), represented by Hitchcock Evert LLP, United States.

The Respondent is 钱梦聃 (Meng Dan Qian), China.

2. The Domain Name and Registrar

The disputed domain name <signfyhealth.com> is 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 November 13, 2023. On November 14, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 15, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 17, 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 amended Complaint in English on November 18, 2023.

On November 17, 2023, the Center informed the Parties in Chinese and English, that the language of the registration agreement for the disputed domain name is Chinese. On November 18, 2023, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 in English and Chinese of the Complaint, and the proceedings commenced on November 29, 2023. In accordance with the Rules, paragraph 5, the due date for Response was December 19, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 22, 2023.


The Center appointed Francine Tan as the sole panelist in this matter on January 5, 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 states that it is a leading provider of in-home, technology-enabled healthcare services, partnering with health plans, health systems, health care providers, and other organizations to provide comprehensive health assessments and value-based care arrangements. The Complainant assists in providing health plans in identifying members in need of care coordination and care management to address chronic conditions, prevent hospitalizations, and integrate medical, behavioral, and social determinants of health.

The Complainant was publicly listed in February 2021 and was named one of the 10 most innovative health companies of 2021 by Fast Company magazine. In September 2022, it was announced that healthcare giant, CVS Health, would acquire the Complainant for approximately USD 8 billion.

The Complainant is the registered owner of the following trade marks:

- U.S. trade mark registration No. 6097028 for  signifyhealth , registered on July 7, 2020; and
- U.S. trade mark registration No. 6097023 for SIGNIFY HEALTH, registered on July 7, 2020

The dates of first use in commerce of these two SIGNIFY HEALTH trade marks are reflected in the U.S. trade mark registrations as being in the year 2018.

The Complainant operates its website under the domain name <signifyhealth.com>.

The disputed domain name was registered on February 26, 2022, and resolves to a parked webpage containing Pay-Per-Click ("PPC") links.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for the transfer of the disputed domain name.

Notably, the Complainant contends that:

- 1) The disputed domain name is confusingly similar to SIGNIFY HEALTH, which is a trade mark in which the Complainant has rights. The disputed domain name omits the letter "i" from the Complainant's trade mark and is therefore confusingly similar to the Complainant's SIGNIFY HEALTH trade mark.
- 2) The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent registered the disputed domain name to divert Internet traffic from the Complainant or to seek financial gain from the unauthorized registration and potential use of the disputed domain name. The Respondent's websites contain PPC links. The Respondent has no trade mark rights in SIGNIFY HEALTH.

The Respondent is not utilizing the disputed domain name with any *bona fide* offering of goods and/or services, and the disputed domain name serves solely to divert Internet traffic away from the Complainant's own webpage. The Respondent is not commonly known by the name "Signfy Health". The Respondent's website does not serve any purpose other than to redirect Internet traffic intended for the Complainant's website. Seeing that the Complainant's organization receives and stores sensitive personal data, the Respondent's intention may be to engage in social engineering attacks on the Complainant's employees and patients.

3) The disputed domain name was registered and is being used in bad faith. The Respondent registered the disputed domain name to attract, for commercial gain, and potentially, for illegal purposes.

B. Respondent

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

6. Discussion and Findings

Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons:

- (i) The Complainant is a U.S. company and conducts its business entirely in English. Neither the Complainant nor its counsel is conversant in the Chinese language. Requiring the Complainant to translate the Complaint into English would place an undue burden on the Complainant and delay a swift resolution to the matter.
- (ii) The disputed domain name consists entirely of Latin characters instead of Chinese characters.
- (iii) The webpage to which the disputed domain name resolves and the privacy policy of Bodis.com which provides the parking services, are in the English language.

The Respondent did not respond on the issue of the language of the proceeding.

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 (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

The Panel notes that the parking page to which the disputed domain name resolves shows links which read "Online Virtual Doctors Visit", "Electronic Medical Records", and "Telemedicine Services".

The overall circumstances of this case indicate that the Respondent is more likely than not familiar with and conversant in English, which explains its choice of the disputed domain name. The Respondent did not object nor give a reason for why he would be prejudiced by a decision for the proceeding to be in English. Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

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 trade mark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

For the avoidance of doubt, and for the sake of completeness, the omission of the letter "i" from the Complainant's trade mark in the disputed domain name so as to cause a misspelling of the Complainant's trade mark (i.e., typosquatting) does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.9.

Based on the available record, 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.

There is no evidence that the Respondent is commonly known by the disputed domain name. The Respondent was not authorized by the Complainant to use the latter's SIGNIFY HEALTH trade mark or to register a domain name incorporating the trade mark. There is no evidence that the Respondent uses the disputed domain name for a legitimate noncommercial or fair use, without intent for commercial gain. The disputed domain name resolves to a webpage containing PPC links which advertise third-party goods and/or services which compete with those of the Complainant.

Based on the available record, 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.

The disputed domain name incorporates the entirety of the Complainant's SIGNIFY HEALTH mark with the omission of the letter, "i", and it has been used for a webpage containing PPC links which advertise goods and/or services which compete with the Complainant's offerings. This appears to be a typical case of typosquatting. As a publicly-listed company, the Complainant would have established a not insignificant level of fame and goodwill in relation to the SIGNIFY HEALTH trade mark. The Panel finds that it is more likely than not that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark. As is stated in [WIPO Overview 3.0](#), section 3.1.4:

"[P]anels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos [...]) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith."

The Respondent did not file a response nor explain its choice of the disputed domain name. These are factors the Panel draws an adverse inference from, and which lead to its conclusion that the disputed domain name was registered and being used in bad faith.

Based on the available record, 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 <signfyhealth.com> be transferred to the Complainant.

/Francine Tan/

Francine Tan

Sole Panelist

Date: January 10, 2024