

ADMINISTRATIVE PANEL DECISION

Signify Health, LLC v. Andrea D Stanley, Signify Health
Case No. D2024-1732

1. The Parties

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

Respondent is Andrea D Stanley, Signify Health, US.

2. The Domain Name and Registrar

The disputed domain name <careers-signifyhealth.com> is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 24, 2024. On April 25, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 26, 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 (Privacy Protect, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on May 2, 2024, providing the registrant and contact information disclosed by the Registrar and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on May 2, 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 Respondent of the Complaint, and the proceedings commenced on May 7, 2024. In accordance with the Rules, paragraph 5, the due date for Response was May 27, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on June 5, 2024.

The Center appointed Jeffrey D. Steinhardt as sole panelist in this matter on July 3, 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

Complainant is a provider of in-home, technology-enabled healthcare services, collaborating with health plans, pharma, and other organizations. Complainant was publicly listed in February 2021. In September 2022, it was announced that healthcare giant CVS Health would acquire Complainant for approximately USD 8 billion.

Complainant owns registrations for its SIGNIFY HEALTH trademark, for example United States Trademark Registration Number 6,097,023 and United States Trademark Registration Number 6,097,028 (design), both registered on July 7, 2020, with a first use in commerce date of June 11, 2018.

The disputed domain name was registered April 17, 2024. The disputed domain name does not resolve to an active webpage.

5. Parties' Contentions

A. Complainant

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

Notably, Complainant avers that it received numerous reports that someone posing as a representative of Complainant sent correspondence using the disputed domain name to potential job applicants, in some cases, using Complainant's registered logo.

As part of the alleged phishing scheme, applicants were solicited to apply for fraudulent job postings and to engage in a hiring suitability process; at least some applicants were eventually sent offer letters and falsified checks bearing Complainant's logo for the purchase of home working (computer coding) equipment. Complainant avers that Complainant was contacted by a candidate who became suspicious after the check s/he received was returned for insufficient funds. In the course of this scheme, Complainant avers, at least one victim revealed bank account and other personal details.¹

Complainant alleges that within one week of registration of the disputed domain name, Complainant became aware of at least 35 discrete phishing attempts.

B. Respondent

Respondent did not reply to Complainant's contentions.

¹Among other annexes, the Complaint includes copies of email correspondence using the term "recruiter" sent from the email address "[...]@careers-signifyhealth.com" and a copy of a returned check bearing the SIGNIFY HEALTH logo sent to a victim of Respondent's phishing scheme.

6. Discussion and Findings

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.

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 confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, in this case, "-careers," may bear on assessment of the second and third elements, the Panel finds the addition of such a term and hyphen 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 1.8.

The Panel finds the first element of paragraph 4(a) 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.

Complainant alleges that the disputed domain name is being used in a fraudulent phishing and impersonation scheme. Having submitted no response, Respondent did not oppose Complainant's allegations. Panels have held that the use of a domain name for illegal activity such as phishing, impersonation/passing off, and other types of fraud can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Having reviewed the available record, the Panel finds that Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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 Panel finds that the second element of paragraph 4(a) 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.

In the present case, Complainant has made detailed, credible allegations of a sophisticated phishing/impersonation and fraudulent scheme by Respondent, supported by documentary evidence. The Panel accepts Complainant's unopposed allegations.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for illegal activity constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. The Panel generally agrees that Policy paragraph 4(a)(iii) is implicated where a respondent registers and uses the disputed domain name for illegal acts. Based on Complainant's unopposed allegations and the record, the Panel finds that Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that Complainant has established the third element of paragraph 4(a) 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 <careers-signifyhealth.com> be transferred to Complainant.

/Jeffrey D. Steinhardt/

Jeffrey D. Steinhardt

Sole Panelist

Date: July 17, 2024