

## **ADMINISTRATIVE PANEL DECISION**

ObjectiveHealth, Inc. v. dr.courtney patrida, HNJ  
Case No. D2024-2849

### **1. The Parties**

The Complainant is ObjectiveHealth, Inc., United States of America, represented by Nelson Mullins Riley & Scarborough, L.L.P., United States of America.

The Respondent is dr.courtney patrida, HNJ , United States of America.

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

The disputed domain name <objectiivehealth.com> is registered with NameCheap, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 12, 2024. On July 12, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 12, 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 (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 July 15, 2024, 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 on July 16, 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 the Respondent of the Complaint, and the proceedings commenced on July 19, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 8, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 13, 2024.

The Center appointed Nels T. Lippert as the sole panelist in this matter on September 4, 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, Objective Health, Inc. is a corporation organized under the laws of Delaware, United States of America, and is an integrated research provider partnering with physicians and healthcare organizations to establish advanced infrastructure for research programs. The Complainant was organized in 2018 and has offered its services under the OBJECTIVEHEALTH trademark. The Complainant's OBJECTIVEHEALTH trademark, registration number 6816017, was registered in the United States of America on August 9, 2022 for services in International Class 42 specifically "medical and scientific research, namely, conducting clinical trials for others; clinical research, namely, conducting clinical trials for others directed to gastrointestinal and metabolic disorders; data mining; providing temporary use of online non-downloadable computer software for data mining, data processing, data analysis, and generating insights from data; medical and scientific study and research in the field of health management". For this registration, the Complainant claims use of the mark since September 30, 2021.

The disputed domain name was registered on April 25, 2024. The disputed domain name currently resolves to a home page that directs the user to services of others. At the time of the Complaint, the disputed domain name was used in connection with a fraudulent email scam that offered non-existent remote job opportunities and impersonated the Complainant to request personal/banking information.

The Respondent is an individual with an address in South Carolina, United States of America.

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

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

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

Notably, the Complainant contends the Respondent is not affiliated with the Complainant, authorized to use the Complainant's OBJECTIVEHEALTH mark, or licensed to use the OBJECTIVEHEALTH mark. The Complainant further contends that the disputed domain name is confusingly similar to the OBJECTIVEHEALTH mark because it differs from the Complainant's mark only by adding an additional letter "i" and that this change actually demonstrates that the Respondent was targeting the Complainant's mark in a scheme to impersonate the Complainant. Specifically, the Complainant has produced evidence of the Respondent's use of the disputed domain name to target prospective employees of the Complainant and providing the candidate with a list of equipment that the candidate would need to purchase and would be reimbursed once the candidate provides personal banking information as part of a phishing scheme. Therefore, the disputed domain name was registered and used in bad faith.

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

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

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

As noted above, the Respondent did not respond to the Complainant's allegations. Under the Rules, paragraphs 5(f) and 14(a), the effect of a default by the Respondent is that, in the absence of exceptional

circumstances, the Panel shall proceed to a decision on the basis of the Complaint. The Panel does not find any exceptional circumstance in this case.

Paragraph 4(a) of the Policy provides that in order to divest a respondent of a domain name, a complainant must demonstrate each of the following:

(i) The domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and

(ii) The respondent has no rights or legitimate interests in respect of the domain name; and

(iii) The domain name has been registered and is being used in bad faith.

Under paragraph 15(a) of the Rules, “[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”

### **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.

The 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 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. In this case, the disputed domain name is an obvious misspelling of the Complainant’s OBJECTIVEHEALTH trademark. As noted in section 1.9 of [WIPO Overview 3.0](#), “a domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element”. In this case, the addition of the letter “i” to the Complainant’s mark in the disputed domain name is a classic example of typosquatting by addition of a letter. Furthermore, it is well established that the applicable Top-Level-Domain (“TLD”) in a domain name is viewed as a standard registration requirement and as such is disregarded under the first element of confusing similarity test. [WIPO Overview 3.0](#), section 1.11.

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.

Here, the Respondent posed as the Complainant, offering remote employment to individuals online, and requesting their personal/banking information.

Panels have held that the use of a domain name for illegal activity here, claimed as applicable to this case: phishing, unauthorized account access/hacking, impersonation/passing off, or other types of fraud can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

In the present case, the Panel notes that the Respondent registered and used the disputed domain name in an apparent attempt to attract internet users for the purposes of illegal activity.

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.

Here, the disputed domain name was used for impersonating the Complainant, offering remote employment to individuals online and requesting personal/banking information.

Panels have held that the use of a domain name for illegal activity here, claimed as applicable to this case: phishing, unauthorized account access/hacking, impersonation/passing off, or other types of fraud constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <objectiivehealth.com> be transferred to the Complainant.

*/Nels T. Lippert/*

**Nels T. Lippert**

Sole Panelist

Date: September 18, 2024