

## **ADMINISTRATIVE PANEL DECISION**

CitiusTech Healthcare Technology Private Limited v. web master,  
Expired domain caught by auction winner  
Case No. D2024-3042

### **1. The Parties**

The Complainant is CitiusTech Healthcare Technology Private Limited, India, represented by Vutts & Associates LLP, India.

The Respondent is web master, Expired domain caught by auction winner, Hong Kong, China.

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

The disputed domain name <citiushealthact.com> is registered with Dynadot Inc (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 25, 2024. On July 26, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 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 (Domain Administrator, Super privacy Service Ltd c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 29, 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 August 1, 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 August 6, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 26, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 28, 2024.

The Center appointed Marina Perraki as the sole panelist in this matter on September 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 healthcare technology services and solutions, building applications, deploying enterprise-level software and providing healthcare analytics in the international market. Per the Complaint, Complainant is well-established in the United States of America market and is expanding its business to other countries. Since its inception Complainant has generated a sales revenue of INR 1,004,188,00,000 (which is approximately USD 1,256,249,229.88) up to the year 2023. Furthermore, Complainant has featured No. 7 in The Top 100 Healthcare Technology Companies of 2022 announced by The Healthcare Technology Report and has won various awards.

Complainant is the owner of trademark registrations for CITIUSTECH including the Indian trademark registration No. 2700671, CITIUSTECH, filed and registered on March 18, 2014, for goods in international class 9.

Complainant is also the owner of the domain name registration <citiustech.com> registered on May 18, 2005 and since then maintains its main website under this domain name.

The disputed domain name was registered on July 2, 2024, namely on the same day as Complainant applied in the United States Patent and Trademark Office for its CITIUSTECH HEALTHACT trademark number 98628637 (which is currently pending). The disputed domain name leads to a dan.com page where it is being offered for sale for USD 2,850.

#### **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.

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

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

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

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the disputed domain name:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

## **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 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 here, "health" and "act", may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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 generic Top-Level Domain ("gTLD") ".com" is disregarded, as gTLDs typically do not form part of the comparison on the grounds that they are required for technical reasons (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#); *Hay & Robertson International Licensing AG v. C. J. Lovik*, WIPO Case No. [D2002-0122](#); see also [WIPO Overview 3.0](#), section 1.11.1).

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.

On the contrary, the disputed domain name leads to a website, where it is being offered for sale for an amount that seemingly exceeds out-of-pocket expenses and there is no reasonable explanation as to the registration and holding of the disputed domain name that could lead the Panel to a conclusion different to the Respondent targeting the Complainant through the disputed domain name. The Panel also notes the composition of the disputed domain name which reproduces the Complainant's mark in its entirety and copies a trademark application filed on the same day as the disputed domain name registration date.

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.

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.

Given that the disputed domain name was offered for sale, it can in any case safely be inferred that the Respondent was perfectly aware of the rights and value attaching to the CITIUSTECH trademark of the Complainant upon registration, even more so as the disputed domain name is identical to a trademark application filed by Complainant on the same day as the disputed domain name registration. Having reviewed the available record, the Panel notes the composition of the disputed domain name, reproducing the Complainant's CITIUSTECH mark in its entirety, along with the fact that the disputed domain name was registered with a privacy service, while the disputed domain name is currently being sold for an amount that seemingly exceeds out-of-pocket expenses. The Panel finds that it is more likely than not that the Respondent meant to target the Complainant in bad faith and registered the disputed domain name with the Complainant's trademark rights in mind.

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 <citiustechhealthact.com> be transferred to the Complainant.

*/Marina Perraki/*

**Marina Perraki**

Sole Panelist

Date: September 17, 2024