

ADMINISTRATIVE PANEL DECISION

reLink Medical, LLC. v. alma infantes
Case No. D2024-3126

1. The Parties

The Complainant is reLink Medical, LLC., United States of America (“United States”), represented by Emerson Thomson Bennett, LLC, United States.

The Respondent is alma infantes, United States.

2. The Domain Name and Registrar

The disputed domain name <relinkonline.shop> is registered with Web Commerce Communications Limited dba WebNic.cc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 30, 2024. On July 31, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 31, 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 (John Doe) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 2, 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 6, 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 14, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 3, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 4, 2024.

The Center appointed Colin T. O'Brien as the sole panelist in this matter on September 11, 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 is the owner of the following U.S. Federal Trademark Registrations: (Reg. No. 5,921,079, Registered November 26, 2019, "Online" Disclaimed) for "services for advertising, business management, administration, and office functions" in Class 35¹



And

RELINK ONLINE (Reg. No. 7,466,260, Registered August 6, 2024), "Online" Disclaimed) for "on-line retail store services featuring used, refurbished, and reconditioned medical equipment" in Class 35.²

The Complainant owns and operates the domain name <relinkonline.com>, which was first registered on June 28, 2019.

The disputed domain name <relinkonline.shop> was registered on March 13, 2024. The disputed domain name does not resolve to an active website.

5. Parties' Contentions

A. Complainant

The disputed domain name is confusingly similar to the Complainant's registered trademark. The primary distinction between the two is the Top-Level Domain ("TLD"): while the Complainant uses the conventional ".com," the Respondent has opted for ".shop." This minimal variation does not sufficiently differentiate the disputed domain name from the Complainant's trademark. The similarity in the core element of the domain name, "relinkonline," combined with the alternate domain extension, can easily mislead consumers into thinking that "relinkonline.shop" is associated with or endorsed by the Complainant. Such confusion can potentially harm the Complainant's brand and dilute the distinctiveness of their registered trademark.

The Respondent has no rights or legitimate interests to use the disputed domain name, as the Complainant owns an incontestable federal registration for RELINK ONLINE. The disputed domain name directs web traffic to the Respondent's website and the disputed domain name offers no benefit to the Respondent other than to directly harm the Complainant by directing business away from the Complainant's website. The Respondent has no legitimate need for the disputed domain name to bring business to their website as the Respondent can easily, and in fact has, come up with a web address that does not interfere with any of the Complainant's rights in their marks. The Respondent is not known by the disputed domain name and has no legitimate noncommercial or fair use rights to the disputed domain name at issue.

The Respondent first registered the disputed domain name on March 13, 2024. The disputed domain name directs Internet traffic to the Respondent's home page "www.relinkonline.shop". The Respondent's use of the disputed domain name is to improperly direct Internet traffic to the Respondent's home page, trading off of the good will of the Complainant's trademark. The Respondent has no legitimate use of the disputed domain name, and the Respondent's use of the disputed domain name serves no other purpose than to

¹ The complaint asserted that this registration was in block letters when, in fact, it was a design mark.

²The complaint listed different services than the actual registration.

intentionally, and in bad faith, direct Internet traffic away from the Complainant's website and to their own website.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has demonstrated it owns registered trademark in its RELINKONLINE mark. The TLD ".shop" is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. The entirety of the RELINKONLINE mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to a mark in which the Complainant has rights. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), sections 1.7 and 1.11.1, and *Hoffmann-La Roche AG v. Domain Admin, Privacy Protection Service INC d/b/a PrivacyProtect.org / Conan Corrigan*, WIPO Case No. [D2015-2316](#).

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant has presented a prima facie case that the Respondent has no rights or legitimate interests in respect of the disputed domain name and has not been commonly known by the disputed domain name. The fact that the Respondent obtained the disputed domain name years after the Complainant had begun using its RELINKONLINE mark indicates the Respondent sought to piggyback on the mark for illegitimate reasons. Further, the composition of the disputed domain name carries a high risk of implied affiliation with the Complainant ([WIPO Overview 3.0](#), section 2.5.1).

After a complainant has made a prima facie case, the burden of production shifts to a respondent to present evidence demonstrating rights or legitimate interests in the domain name. See, e.g., *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

Here, the Respondent has provided no evidence of any rights or legitimate interests in the disputed domain name.

In the absence of any evidence rebutting the Complainant's prima facie case indicating the Respondent's lack of rights or legitimate interests in respect of the disputed domain name, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The disputed domain name was registered years after the Complainant first registered and used its RELINKONLINE trademark. The absence of any evidence provided by the Respondent to the contrary, is sufficient to satisfy the Panel that, at the time the disputed domain name was registered, the Respondent undoubtedly knew of the Complainant's RELINKONLINE trademark, and knew that it had no rights or legitimate interests in the disputed domain name.

There is no reason for the Respondent to have registered the disputed domain name containing the entirety of the RELINKONLINE trademark with the TLD ".shop" other than to freeride the fame and good will of the Complainant's trademark by creating a likelihood of confusion with such mark as to the source, sponsorship, affiliation, or endorsement.

In light of the above, the Panel finds that the only plausible basis for registering and passively holding the disputed domain name is for illegitimate and bad faith purposes. In view of section 3.3 of the [WIPO Overview 3.0](#), given the above considerations, the totality of the circumstances supports a finding of bad faith, regardless of the current inactive state of the disputed domain name.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(iii) 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 <relinkonline.shop> be transferred to the Complainant.

/Colin T. O'Brien/

Colin T. O'Brien

Sole Panelist

Date: September 25, 2024