

ADMINISTRATIVE PANEL DECISION

Karolinska Universitetssjukhuset v. bulent uyanik, Bezmialem Vakif University
Medical Genetics Department
Case No. D2024-4598

1. The Parties

The Complainant is Karolinska Universitetssjukhuset, Sweden, represented by SILKA AB, Sweden.

The Respondent is bulent uyanik, Bezmialem Vakif University Medical Genetics Department, Türkiye.

2. The Domain Name and Registrar

The disputed domain name <karolinska.hospital> is registered with Atak Domain Hosting Internet ve Bilgi Teknolojileri Limited Sirketi d/b/a Atak Teknoloji (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 8, 2024. On November 8, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 9, 2024, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint together with the amendment to the 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 November 15, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 5, 2024. The Response was filed with the Center on December 5, 2024.

The Center appointed Andrew D. S. Lothian as the sole panelist in this matter on December 19, 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 one of the largest university hospitals in Europe, with approximately 16,000 employees across 150 professions. It is the appointed university hospital for Stockholm Region, Sweden, with a specific task of providing specialized healthcare to patients from said region, other regions, and other countries. It also undertakes research and educates students in cooperation with other higher education institutions and universities. According to its 2023 Annual Report, the Complainant performed more than 56,700 operations and received more than 1,460,000 outpatient visits in said year, from both Sweden and abroad. In 2024, for the fourth consecutive year, the Complainant was ranked as one of the top ten hospitals in the world by Newsweek Magazine, and placed tenth in the world for smart hospitals, including the areas of artificial intelligence, robotics, and telemedicine. The Complainant's website uses the domain name <karolinskahospital.com>, registered on October 12, 2002.

The Complainant maintains a portfolio of KAROLINSKA-formative registered trademarks in multiple territories, including, for example, European Union Registered Trademark Number 3886661 for the word mark KAROLINSKA, registered on August 30, 2005 in Classes 1, 5, 10, 16, 39, 41, 42, 43, and 44. A panel in a previous decision under the Policy, namely, *Karolinska Universitetssjukhuset v. Muhammad Awais*, WIPO Case No. [D2023-2473](#), found that the Complainant's KAROLINSKA mark is well-known in the field of medicine in Sweden.

The disputed domain name was registered on March 22, 2023. Previously, the website associated with the disputed domain name forwarded to a Google Account login page, and at some point, according to the Complainant's email to the Respondent dated March 7, 2024, the disputed domain name redirected to the Complainant's official website. At some point after the Complaint was filed, the disputed domain name began to forward to a single page disclaimer at the same address which states "dear visitors, please do not be mistaken, do not confuse of this website that you are visiting. It has no affiliation with the following trademarks: Karolinska, Karolinska Institutet, Karolinska Institutet Anno 1810, Karolinska Medicine. Karolinska University Hospital is a completely separate independent website does not have any commercial purpose" [The Panel has removed line breaks and added limited punctuation in reproducing said disclaimer].

The Respondent appears to be a private individual based in Türkiye who works as a medical geneticist and has an interest in health tourism, although the Whois record also contains a completed "Company/Organization" field as "Bezmialem Vakif University Medical Genetics Department". Nevertheless, while the Respondent states that it works "for a hospital" in Türkiye, it notes that its registration of the disputed domain name was "an independent decision". The Respondent also states that it is a domain investor.

The Parties corresponded between May 11, 2023 and March 22, 2024. On February 6, 2024, the Respondent wrote to the Complainant's representative by email stating, "As part of my work, I explore both scientific collaborations and commercial health tourism opportunities. I was particularly impressed by the resources and potential of Karolinska University Hospital, one of the world's most renowned healthcare institutions". The Respondent indicated that it wished to discuss the matter further with a view to finding an amicable solution, adding that "As a domain investor, I have recognized the potential value of [the disputed domain name] within the healthcare domain. I am open to discussing the possible transfer of the domain name to Karolinska University Hospital. However, before proceeding, I would appreciate more information about their intentions for this very valuable domain name and their proposed terms for the transfer [...]".

In an email of March 7, 2024, the Respondent stated, "While I was thinking about how to actively use my domain name, your last email gave me a boost. I am a firm believer that accurate information comes from unbiased people and that people should share what they know. Karolinska has always been at the top of the list of leading hospitals in the world. Wouldn't it be great if other patients could benefit from the experiences of patients who have been served by the hospital, and if they could give feedback about the department, the doctor and the procedures, ask questions and get advice, wouldn't that be a guide for other patients?"

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 that the disputed domain name reproduces the Complainant's KAROLINSKA mark in its entirety, which is recognizable in the disputed domain name. The Complainant also asserts that none of the circumstances set out in paragraph 4(c) of the Policy apply to this case. The Complainant adds that it has not authorized the Respondent to use its mark, is not affiliated or otherwise connected with the Respondent, and has found nothing to suggest that the Respondent holds any trademark rights in respect of the disputed domain name or the term "karolinska", or is commonly known by such term or by the disputed domain name, adding that the disputed domain name and the term "karolinska" have no meaning in the English or Swedish languages.

The Complainant notes that the disputed domain name has been used to redirect to a Google account site, asserting that this would not support a claim to rights or legitimate interests. The Complainant adds that there is no evidence that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. The Complainant notes that rather than engaging in any legitimate noncommercial or fair use of the disputed domain name, the Respondent chose to redirect it to the Complainant's website, adding that the Respondent also asserted the value of the disputed domain name within the healthcare domain but did not otherwise justify its registration, and thus has no rights or legitimate interests therein. The Complainant adds that it attempted to correspond with the Respondent's apparent employers but did not receive any response.

The Complainant asserts that the disputed domain name solely includes the Complainant's well-known KAROLINSKA mark with a Top-Level Domain ("TLD") that relates to the Complainant's field of activity, and that the disputed domain name is almost identical to the domain name used by the Complainant for its official website, which reinforces the likelihood of confusion, as Internet users would assume that the disputed domain name relates to the Complainant. The Complainant concludes that this cannot constitute fair use, as it effectively impersonates or suggests sponsorship or endorsement by the Complainant, and that it is highly unlikely that the Respondent intended to use the disputed domain name for any legitimate or fair use, adding that it cannot conceive of any possible use in which the use of the disputed domain name would not infringe the Complainant's rights in the KAROLINSKA mark.

The Complainant contends that it is likely that the Respondent was aware of the Complainant and its rights when it registered the disputed domain name, noting the references to the Complainant's hospital in the Respondent's email of February 6, 2024, adding that a simple search in an online trademark register or the Google search engine would have disclosed the Complainant's interest. The Complainant submits that it is impossible to believe that the Respondent would have chosen the disputed domain name without the Complainant's mark and activities in mind, given that the disputed domain name solely comprises such mark together with a TLD relating to the Complainant's field of activity, and that the disputed domain name is almost identical to the Complainant's own domain name. The Complainant notes that the mere registration of a domain name that is identical or confusingly similar to a well-known trademark by an unaffiliated entity can, by itself, create a presumption of bad faith.

The Complainant asserts that due to the fame of its mark it may be seen that the Respondent has intentionally attempted to attract Internet users to the Respondent's website for commercial gain by creating a likelihood of confusion with the Complainant's mark as to source, sponsorship, affiliation, or endorsement of the Respondent's website, adding that a respondent redirecting a domain name to the complainant's website can establish bad faith insofar as the respondent retains control over the redirection thus creating a real or implied ongoing threat to the complainant. The Complainant also points out that the terms of the Respondent's email communication with the Complainant shows that the Respondent's offer to transfer the

disputed domain name to the Complainant is a further indication of bad faith because it appears most likely that the Respondent registered the disputed domain name with a view to selling it at a profit exceeding the registration costs, and that the circumstances indicate that the Respondent's intent in registering the disputed domain name was in fact to profit in some fashion from or otherwise exploit the Complainant's trademark.

B. Respondent

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name. The Respondent states that it has never infringed the Complainant's trademark rights, and never intended to do so, that it has no past or present animosity towards the Complainant, and that, "Like the rest of the world, I consider them to be a reputable organization and I have already informed them by email of my position and attitude on this matter". The Respondent rejects the Complainant's allegations.

The Respondent notes that the Complainant's trademarks are not registered in Türkiye, adding that the ".hospital" TLD has no specific geographic region, and is universal. The Respondent states that it has found that the Complainant has trademark registrations in the United States of America ("United States"), noting that its registration of KAROLINSKA UNIVERSITY HOSPITAL, United States Registered Trademark Number 7383190, was registered on May 14, 2024, after the disputed domain name was registered, adding that said mark also contains a disclaimer in respect of the words UNIVERSITY HOSPITAL. The Respondent argues that its use of the disputed domain name predates any potential trademark infringement claims, and that the disclaimer in said mark is significant because the disputed domain name is not identical to the non-disclaimed term KAROLINSKA, adding that an objective assessment would lead an individual to recognize them as different, and that the Complainant's failure to include its acceptance of said disclaimer is a concealment that could reflect negatively on the credibility of their assertions.

The Respondent points out that there was a sunrise period and a trademark claims period for the ".hospital" TLD, whereby the Complainant would have had an enhanced opportunity to obtain the disputed domain name, yet it did not take action to secure it in the six years leading up to 2023, suggesting a lack of genuine interest or belief in its claim to the disputed domain name.

The Respondent states that it is questionable as to why the Complainant failed to produce its initial email contact with the Respondent dated May 11, 2023 (now produced by the Respondent), adding that at this point the Complainant had yet to receive the registration of its said United States registered trademark. The Respondent argues that this email reveals the Complainant's intent to wrongfully acquire the disputed domain name before any potential trademark rights existed.

The Respondent states that the Complainant is wrong to characterize the Respondent's email of February 6, 2024, as a proactive offer to sell the disputed domain name, adding that the Respondent stated explicitly that it had no intention of infringing the Complainant's rights and expressing a willingness to discuss the matter further "including the possibility of transferring the [disputed] domain name under appropriate circumstances". The Respondent notes that it did not initiate any contact with the Complainant for the purpose of selling the disputed domain name and expresses concern as to how the Complainant accessed the Respondent's personal information. The Respondent adds that when it wrote again to the Complainant it made the position clear that it would not sell the disputed domain name, and that it was not violating the Complainant's rights. The Respondent also references the disclaimer which it published on the website associated with the disputed domain name, stating that this ensures the website is not misleading, and noting that it is aggrieved that the Complainant did not include this when it filed the Complaint, constituting a lack of transparency. The Respondent adds that "a simple login to view the publicly accessible content of my website would have resolved any doubts about its purpose or content".

The Respondent asserts that the Complainant operates multiple websites, at least at the domain names: <karolinskahospital.com>, <karolinska.se>, <nyakarolinska.se>, <karolinskalive.com>, <karolinskatrialliance.se>, and <karolinskahealth.com>, adding that given such web presence it is implausible for the Complainant to claim that the single website associated with the disputed domain name disrupts their operations, diverts traffic, or causes harm to their business interests. The Respondent also submits that the Complainant has failed to present substantive evidence of wrongdoing on the Respondent's part, particularly regarding the content of the website associated with the disputed domain name. The Respondent asserts that this undermines the credibility of the Complainant's claims.

The Respondent argues that the decisions of previous panels produced by the Complainant did not address the Complainant's allegations, noting that the respondents in those cases did not reply to the Complainant's contentions.

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.

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

Although the disputed domain name includes the TLD ".hospital", the applicable TLD in a domain name is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1. Furthermore, the ordinary meaning ascribed to a particular TLD would not necessarily impact assessment of the first element, although it may be relevant to the second and third element assessments. [WIPO Overview 3.0](#), section 1.11.2.

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 Panel therefore turns to the Respondent's case in rebuttal.

The Respondent's case is notable more for what it does not say than what it does say. The Respondent does not set out any explanation for why it registered the disputed domain name, and the purpose which it intended therefor, merely focusing on the fact that the Complainant's trademark rights do not extend to Türkiye. There is no evidence before the Panel that the Respondent registered the disputed domain name to use it in connection with a bona fide offering of goods or services. In its email correspondence of March 7, 2024, the Respondent suggests that the disputed domain name might be used for a patient forum, but the wording used shows that at that point the Respondent still had no clear plan for the disputed domain name. Even if it had been able to demonstrate that this particular use was the subject of a genuine intention and had been able to evidence credible, non-pretextual preparations to that end, the Panel considers that the disputed domain name would in that context amount to an impersonation of the Complainant, given that the disputed domain name is composed of an exact match for the Complainant's mark in a TLD that represents the Complainant's sphere of operations. The Respondent also states in its email of February 6, 2024 that it explores "both scientific collaborations and commercial health tourism opportunities", but again, the use of a domain name composed in the manner of the disputed domain name for those purposes would amount to an impersonation of the Complainant.

The Respondent does not explain anywhere in the Response or in the correspondence how it considers itself to be legitimately associated with the term "karolinska". The Respondent is not commonly known by such term. The Respondent also has not set out a proposed noncommercial or fair use of the disputed domain name, and given its composition as discussed above, the Panel cannot conceive of any such use that would not amount to an impersonation of the Complainant, which could not be regarded as fair. The fact that the Respondent describes the Complainant as "one of the world's most renowned healthcare institutions" leaves the Panel in no doubt that the Respondent composed the disputed domain name with intent to refer to the Complainant and its rights, which could not confer any rights or legitimate interests upon it.

The Respondent makes much of the fact that the Complainant's marks do not extend to Türkiye, and that the Complainant's United States trademark post-dates the registration of the disputed domain name and contains a disclaimer. These matters, on their own, do not demonstrate any rights or legitimate interests on the Respondent's part in the disputed domain name. It is possible that the lack of the Complainant's trademark rights in Türkiye might have been relevant to a case that the Respondent was unaware of the Complainant's rights and came up with the name "karolinska" independently, and for an unrelated purpose to that for which the Complainant's mark is used. However, no such case has been made, and it would in any event have been implausible given the established facts and circumstances, notably the fact that the Complainant's mark is well-known internationally, and that it has achieved a high (top ten) ranking in an independent global survey over a period of several years.

The Panel concludes that 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.

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 has registered an exact match for the Complainant's KAROLINSKA registered trademark, in the ".hospital" TLD which refers to the Complainant's sphere of operation. Based upon the Parties' correspondence, in which the Respondent refers to the Complainant's renown, there can be no doubt that the Respondent registered the disputed domain name in the knowledge and awareness of the Complainant's rights. Such renown is, in any event, established independently on the record before the Panel, including in particular on the basis of the Complainant's top

ten result in the Newsweek ranking for the World's Best Hospitals and the finding in a previous case under the Policy of the Complainant's notoriety.

The question then arises as to whether the Respondent had the intent to target the Complainant's rights, and what the Respondent's true intent was in registering and using the disputed domain name. As noted in the analysis in the preceding section, neither in the Response nor in the Parties' correspondence does the Respondent indicate any clear purpose that might be regarded as being in good faith. In the absence of such, the Panel cannot overlook the fact that the Complainant is a renowned healthcare institution, that the Respondent works in the medical field, and that the Respondent has registered an exact match of the Complainant's mark in a highly relevant (to the Complainant's operations) TLD. Although in one email, the Respondent suggests that it might consider using the disputed domain name for a patient forum related to the Complainant's activities, this is expressed only as forming part of the Respondent's considerations rather than being its original purpose when registering the disputed domain name. In any event, Panels have consistently found that the mere registration of a domain name that is identical to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

Tellingly, the Respondent acknowledges in the correspondence that "As a domain investor, I have recognized the potential value of <karolinska.hospital> within the healthcare domain". The Panel asks itself, what value could the Respondent, as a domain investor, have seen in the disputed domain name "within the healthcare domain" that would be independent of and unrelated to the Complainant's well-known mark in that field? Clearly there is no such independent value, and certainly none has been established by the Respondent on the present record. Consequently, this suggests, despite the Respondent's denial, that its primary purpose in registering the disputed domain name was to sell it at an uplifted value to the Complainant. In this particular case, the fact that the Complainant made the first approach to discuss matters with the Respondent does not assist the Respondent. It may be inferred that the Respondent recognized the value to the Complainant that is inherent in the disputed domain name, due to its exact match for the Complainant's mark in a highly relevant TLD, and decided to register and to "warehouse" it pending the inevitable approach that would follow sooner or later. Alternatively, it is possible given the Respondent's expressed interests in "scientific collaborations and commercial health tourism opportunities," that it was seeking some form of commercial opportunity or advantage with the Complainant, in connection with which the disputed domain name would be useful, first, to establish a dialog between the Parties and, secondly, as leverage to obtain the opportunity or advantage sought by the Respondent. This likewise points in the direction of registration and use in bad faith.

Crucially, the only use to which the disputed domain name appears to have been put is to forward it to the Complainant's own website, redirect to a Google Account login page or to the subsequently published disclaimer. It must be said that the disclaimer is of limited evidential value, given that it was only published after the Complainant approached the Respondent to express its concerns regarding the disputed domain name. In any event, where the overall circumstances of a case point to the respondent's bad faith, the mere existence of a disclaimer cannot cure such bad faith. In such cases, panels may consider the respondent's use of a disclaimer as an admission by the respondent that users may be confused. [WIPO Overview 3.0](#), section 3.7.

The Panel has reached the conclusion that given the composition of the disputed domain name and the renown of the Complainant, there is no conceivable good faith use to which the disputed domain name could have been put, and that the Respondent was likely to have known this when it registered the disputed domain name. Even a noncommercial use such as the alleged patients' forum would have made a false representation via the disputed domain name that it was in some way sponsored or endorsed by, or indeed operated by, the Complainant. Consequently, and in all of the above circumstances, the Panel finds that the disputed domain name was registered and has been used in bad faith.

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 <karolinska.hospital> be transferred to the Complainant.

/Andrew D. S. Lothian/

Andrew D. S. Lothian

Sole Panelist

Date: January 2, 2025