

ADMINISTRATIVE PANEL DECISION

Lifepoint Health, Inc. v. Aihan Mamedov
Case No. D2024-4750

1. The Parties

The Complainant is Lifepoint Health, Inc., United States of America (“U.S.”), represented by Holland & Knight, LLP, U.S.

The Respondent is Aihan Mamedov, Russian Federation.

2. The Domain Name and Registrar

The disputed domain name <rcchhealth.com> is registered with Paknic (Private) Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 18, 2024. On November 19, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 20, 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 (Registration Private, Web Domains By Proxy) and contact information in the Complaint.

The Center sent an email communication to the Complainant on November 20, 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 amendment to the Complaint later that day.

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 November 25, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 15, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 16, 2024.

The Center appointed Warwick A. Rothnie as the sole panelist in this matter on December 30, 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 a healthcare provider owning and operating networks of hospitals, post-acute service providers and outpatient centers across some 30 states in the U.S.

The Complainant was formed in 2018 by the merger of two regional healthcare providers based in Brentwood, Tennessee in the U.S.: LifePoint Health Inc. and RCCH HealthCare Partners. RCCH Healthcare Partners itself had been formed in 2016 by the merger of RegionalCare Hospital Partners and another Tennessee-based company, Capella Healthcare.

At the time of the merger in 2018, RCCH HealthCare Partners operated 16 regional health systems (including hospitals, post-acute service providers and outpatient centers) across 12 states in the U.S. with more than 14,000 employees and some 2,500 affiliated physicians and “mid-level providers”.

Before the merger, RCCH HealthCare Partners had registered United States Registered Trademark No 5,079,811, RCCH HEALTHCARE PARTNERS, in the Principal Register on November 8, 2016 in respect of healthcare services in International Class 44. The registration claimed first use in commerce on May 1, 2016. The registration included the disclaimer “No claim is made to the exclusive right to use the following apart from the mark as shown: “HEALTHCARE PARTNERS”. The registration of Registered Trademark No. 5,079,811 was allowed to lapse in 2023.

Following completion of the merger, the merged entity operates under the name Lifepoint Health. According to the Complaint, however, at least seven of its active subsidiaries and affiliates continue to use the RCCH mark.

RCCH HealthCare Partners had registered in March 2016 and was using in connection with its business the disputed domain name. The merged entity continued to use it for some time following the merger.

At some point, however, the disputed domain name became registered in the Respondent’s name. The Complaint does not contain any information about how the Complainant ceased to have control over the disputed domain name. According to the Namebio website (at namebio.com), the disputed domain name was “sold” at auction for USD 670 on April 24, 2022.

The disputed domain name resolves to a website. The landing or Home page states under the heading “RCCH Health”:

“At Rcch Health , we take pride in being a trusted supplier of discount drugs. Located in TN, we understand that every customer has unique health needs and budgetary concerns, which is why we offer tailored solutions to meet those needs. We never try to sell you more than you actually need. Our team prioritizes trust and customer loyalty; therefore, we strive for building long-term relations with our customers.”

The “Contact Us” page presents under the name “Happy Family Pharmacy” with the Complainant’s address and then fields for data entry including the (potential) customer’s name and contact details.

Other pages on the website appear to be pages containing information about, or related to, RCCH Health before the merger. For example, “our Communities” lists the health networks then being operated by RCCH Healthcare Partners. The Fact Sheet under “About Us” refers to 16 regional health systems in 12 states and mentions that the systems have (or, rather, had) revenues of USD 1.7 billion.

At the time this decision is being prepared, the pages on the website are headed “RHealth”, with “R” in green and “Health” in blue. When under the Complainant’s control and as shown in Annex K to the Complaint, the pages were headed RCCH HealthCare Partners with “RCCH” being depicted in much larger lettering and HealthCare Partners being depicted as a strapline underneath “RCCH”.

5. Discussion and Findings

No response has been filed. The Complaint and Written Notice have been sent, however, to the Respondent at the electronic and physical coordinates confirmed as correct by the Registrar in accordance with paragraph 2(a) of the Rules. Bearing in mind the duty of the holder of a domain name to provide and keep up to date correct Whois details, therefore, the Panel finds that the Respondent has been given a fair opportunity to present his or its case.

When a respondent has defaulted, paragraph 14(a) of the Rules requires the Panel to proceed to a decision on the Complaint in the absence of exceptional circumstances. Accordingly, paragraph 15(a) of the Rules requires the Panel to decide the dispute on the basis of the statements and documents that have been submitted and any rules and principles of law deemed applicable.

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

- (i) the disputed 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 disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The first element that the Complainant must establish is that the disputed domain name is identical with, or confusingly similar to, the Complainant's trademark rights.

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.

As it has expired, the Complainant cannot rely on its previously registered trademark.

Instead, the Complainant claims rights in RCCH or RCCH Health as an unregistered trademark arising from its residual reputation derived from its pre-merger use and, in addition, the continued use of RCCH by its subsidiaries.

Having regard to the scale of the Complainant's (particularly pre-merger) use of the disputed domain name and the prominence of RCCH in the logos on that website and the descriptive nature of the terms “healthcare” and “partners”, the Panel considers the Complainant’s rights at least to a residual reputation in RCCH and RCCH Health among the relevant public has been sufficiently demonstrated in the circumstances of this case. See e.g. *Rockland Trust Company v. Mae Hopper* WIPO Case No. [D2024-1406](#) and *CentralR Reservations Management Limited and CentralR Group Management Limited v. Online Central Reservations Ltd, Richard Cole* WIPO Case No. [D2009-0021](#) (although finding on the facts in that case insufficient evidence to establish the claimed reputation).

Further, if it be necessary, the Panel notes the continued use by some subsidiaries demonstrates that the Complainant has not abandoned the trademark: *Ballarat Products Ltd v Farmers Smallgoods Co Pty Ltd* [1957] VR 104; *Ad-Lib Club Ltd v Granville* [1972] RPC 673; *Sutherland v V2 Music Ltd* [2002] EWHC 14; [2002] EMLR 28.

This conclusion is further reinforced by the Respondent's website purporting to be the website of the Complainant (or its pre-merger entity) or having the backing of that entity through, for example, the Our Communities page, data about the scale and scope of the Complainant's (pre-merger entity's) business and use of the Complainant's actual address.

The comparison of the disputed domain name to the Complainant's trademark simply requires a visual and aural comparison of the disputed domain name to the proven trademarks. This test is narrower than and thus different to the question of "likelihood of confusion" under trademark law. Therefore, questions such as the scope of the trademark rights, the geographical location of the respective parties, the date they were acquired and other considerations that may be relevant to an assessment of infringement under trademark law are not relevant at this stage. Such matters, if relevant, may fall for consideration under the other elements of the Policy. See e.g. [WIPO Overview 3.0](#), section 1.7.

In undertaking that comparison, it is permissible in the present circumstances to disregard the generic Top-Level-Domain (gTLD) component as a functional aspect of the domain name system. [WIPO Overview 3.0](#), section 1.11.

Disregarding the ".com" gTLD, the disputed domain name consists of the Complainant's trademark or the Complainant's trademark and the term "health". As this requirement under the Policy is essentially a standing requirement, the addition of this term does not preclude a finding of confusing similarity. See e.g. [WIPO Overview 3.0](#), section 1.8. Apart from anything else, the Complainant's trademark remains visually and aurally recognisable within the disputed domain name.

Accordingly, the Panel finds that the Complainant has established that the disputed domain name is identical with the Complainant's trademark and the requirement under the first limb of the Policy is satisfied.

B. Rights or Legitimate Interests

The second requirement the Complainant must prove is that the Respondent has no rights or legitimate interests in the disputed domain name.

Paragraph 4(c) of the Policy provides that the following circumstances can be situations in which the Respondent has rights or legitimate interests in a disputed domain name:

- (i) before any notice to [the Respondent] of the dispute, [the Respondent's] use of, or demonstrable preparations to use, the [disputed] domain name or a name corresponding to the [disputed] domain name in connection with a bona fide offering of goods or services; or
- (ii) [the Respondent] (as an individual, business, or other organization) has been commonly known by the [disputed] domain name, even if [the Respondent] has acquired no trademark or service mark rights; or
- (iii) [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.

These are illustrative only and are not an exhaustive listing of the situations in which a respondent can show rights or legitimate interests in a domain name.

While 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 often impossible

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. 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.

The Respondent registered the disputed domain name after the Complainant began using the trademark.

The Complainant states that it has not authorised the Respondent to use the disputed domain name. Nor is the Respondent affiliated with it.

The disputed domain name is not derived from the Respondent's name. Nor is there any suggestion of some other name by which the Respondent is commonly known from which the disputed domain name could be derived. From the available record, the Respondent does not appear to hold any trademarks for the disputed domain name.

In addition, the Complainant notes that, while the website to which the disputed domain name resolves appears to be offering discount drugs for sale, drugs do not appear to be actually available for sale from the site. Further, both when the Complaint was filed and continuing to this day the website clearly represented it was being operated by the Complainant or its predecessor entity. For example, it claims its address is the Complainant's actual address and on the “Our Communities” page purported to be operating some 16 substantial, identified hospital networks across some 12 states in the U.S.

Falsely representing it is the Complainant and seeking to induce the public to deal with the Respondent or provide the Respondent with their personal information on the basis of that false representation does not qualify as a good faith offering of goods or services for the purposes of paragraph 4(c)(i) or a legitimate noncommercial or other fair use of the disputed domain name.

These matters, taken together, are sufficient to establish a prima facie case under the Policy that the Respondent has no rights or legitimate interests in the disputed domain name. The basis on which the Respondent has adopted the disputed domain name, therefore, calls for explanation or justification. The Respondent, however, has not sought to rebut that prima facie case or advance any claimed entitlement. Accordingly, the Panel finds the Complainant has established the second requirement under the Policy also.

C. Registered and Used in Bad Faith

Under the third requirement of the Policy, the Complainant must establish that the disputed domain name has been registered and used in bad faith by the Respondent. These are conjunctive requirements; both must be satisfied for a successful complaint: see e.g. *Group One Holdings Pte Ltd v. Steven Hafto* WIPO Case No. [D2017-0183](#).

Given the nature of the use of the disputed domain name after the Respondent acquired it, it appears clear that the Respondent was well aware of the Complainant's use, or at least its historical use. It is also clear that the Respondent has sought to attract the public either to buy goods from the Respondent or to provide the Respondent with their personal information on the false premise that they are dealing with the Complainant (or its predecessor entity) - a substantial and respectable health provider in the U.S. rather than, apparently, an individual in the Russian Federation.

In circumstances where the Respondent has not sought to claim, let alone establish, that he or she has rights or legitimate interests in the disputed domain name, therefore, the Panel finds the Respondent has registered and used it in bad faith.

Accordingly, the Complainant has established all three requirements under the Policy.

6. 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 <rcchhealth.com> be transferred to the Complainant.

/Warwick A. Rothnie/

Warwick A. Rothnie

Sole Panelist

Date: January 13, 2025