

ADMINISTRATIVE PANEL DECISION

Niva Bupa Health Insurance Company Limited v. Badger Le
Case No. D2025-0765

1. The Parties

The Complainant is Niva Bupa Health Insurance Company Limited, India, represented by Khaitan & Co., India.

The Respondent is Badger Le, China.

2. The Domain Name and Registrar

The disputed domain name <nivabupaleaks.com> is registered with Nicenic International Group Co., Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 25, 2025. On February 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 27, 2025, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on the same date, 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 March 4, 2025.

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 March 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 26, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 27, 2025.

The Center appointed Mihaela Maravela as the sole panelist in this matter on April 1, 2025. 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

According to information in the Complaint, the Complainant is a health insurance company established in India in 2008, offering various health insurance policies, such as individual health insurance, family floater insurance policy, travel insurance policy and top-up insurance cover. The Complainant has been using the trademark NIVA, as well as its tradename that includes Niva Bupa since 2021. The Complainant has received various media coverage and awards both nationally and regionally.

The Complainant is the holder of various trademarks for NIVA, including the Indian trademark No. 4976643 registered as of May 18, 2021, for the class of goods 16. The Complainant operates the domain name <nivabupa.com>, registered since February 25, 2021, which it uses as its official website.

The disputed domain name was registered on February 18, 2025, and does not resolve to an active website. According to evidence with the Complaint, the disputed domain name was used for the unauthorised upload of confidential data of the Complainant's customers including details of the Complainant's customer's policies, with customer information such as policy number, sum insured, premium, name, mobile number, email, date of birth, address, dependent details, followed by several emails threatening the Complainant of such information being made public save for payment of "satisfactory price". During such correspondence, the Complainant was informed that another domain name was registered at <nivabupaleaks.st>.

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 is confusingly similar to the Complainant's registered trademark NIVA which is incorporated in its entirety in the disputed domain name, BUPA being also a registered trademark licensed to the Complainant. Moreover, the disputed domain name is confusingly similar to the Complainant's domain name, i.e. <nivabupa.com> and the addition of the term "leaks" in the disputed domain name does not dispel confusingly similarity to Complainant's domain name.

As regards the second element, given the use of the disputed domain name as described above, the Complainant argues that the Respondent's sole intention behind registering the disputed domain name was to leak the private data of the Complainant's customers, which is also evident from the composition of the disputed domain name, which contains the term "leaks". The Respondent is not affiliated with the Complainant in any way, nor is the Respondent licensed to use the Complainant's trademark.

With respect to the third element, the Complainant argues that the use of a fraud website to collect data of the consumers in order to extort money from the Complainant amounts to disruption of the Complainant's business. The Complainant further submits that threatening a data leak is clear proof of the bad faith of the Respondent in registering the disputed domain name. The same is also reflected in the fact that the Respondent has registered another domain name i.e. <nivabupaleaks.st> to further threaten the Complainant and for other illegal purposes.

B. Respondent

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

6. Discussion and Findings

No response has been received from the Respondent in this case. Accordingly, the Panel considers it can proceed to determine the Complaint based on the statements and documents submitted by the Complainant as per paragraph 15(a) of the Rules. The applicable standard of proof in UDRP cases is the “balance of probabilities” or “preponderance of the evidence”, and the Panel can draw certain inferences in light of the particular facts and circumstances of the case. See section 4.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”).

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights, (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

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 3.0](#), section 1.7.

The Complainant has shown rights in respect of the trademark NIVA 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, “bupa” and “leaks”) 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.

It is the settled view of panels applying the Policy that the Top-Level Domain (“TLD”) (here “.com”) may be disregarded under the first element test.

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.

The composition of the disputed domain name includes the Complainant's NIVA trademark, the term "bupa", which composes the Complainant's trade name, and the additional term "leaks". The Complainant has also provided evidence that the disputed domain name was used to blackmail the Complainant and that shows that the Respondent has targeted the Complainant to make threats of disclosing sensitive confidential information of the Complainant's customers. In this regard, the Panel finds that the Respondent selected such composition for the disputed domain name to take unfair advantage of the similarity with the Complainant's trademark. As further discussed below and pursuant to section 2.15 of the [WIPO Overview 3.0](#), the use of the disputed domain name is abusive of the Complainant's trademark rights and intended to disrupt the Complainant's business. Panels have held that the use of a domain name for activity such as the above threat to the Complainant would not confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Also, and based on the available record, there is no evidence indicating that the Respondent is commonly known by the disputed domain name.

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.

The disputed domain name was registered after the Complainant obtained registration of its trademarks. The disputed domain name is confusingly similar with the Complainant's trademark and its registered trade name and domain name. According to unrebutted evidence with the Complaint, the disputed domain name was used in an attempt to harm the Complainant's business and to potentially disclose sensitive confidential information of the Complainant's customers. Under these circumstances, there can be little doubt that the Respondent was aware of the Complainant's trademark at the registration date of the disputed domain name. The Panel finds that the Respondent targeted the Complainant's trademark at the time of registration of the disputed domain name.

As regards the use of the disputed domain name, the Panel finds that the disputed domain name was used in an attempt to obtain financial gain under the threat of exposing sensitive confidential data. Panels have held that the use of a domain name for illegitimate activity (here, claimed unauthorized account access/hacking, impersonation/passing off, or other types of fraud) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

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 <nivabupaleaks.com> be transferred to the Complainant.

/Mihaela Maravela/

Mihaela Maravela

Sole Panelist

Date: April 14, 2025