

ADMINISTRATIVE PANEL DECISION

Emory University, Emory Healthcare, Inc. v. Andy Lewis
Case No. DCO2024-0054

1. The Parties

The Complainants are Emory University, and Emory Healthcare, Inc., United States of America (“US”), represented by The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC, US.

The Respondent is Andy Lewis, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <emorypatientportal.co> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 2, 2024. On August 2, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 2, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainants on August 5, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amendment to the Complaint on August 6, 2024.

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 August 12, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 1, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 9, 2024.

The Center appointed George R. F. Souter as the sole panelist in this matter on September 12, 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 Emory University is a well-known US university, dating from 1836.

Emory Healthcare Inc., a part of Emory University, is one of the most comprehensive academic health systems in the US state of Georgia, dedicated to innovating medicine, teaching the caregivers of the future, and supporting the healthcare needs of its patients.

The Emory Healthcare Network, established in 2011, is according to the Complaint, the largest clinically integrated network in the US state of Georgia, with more than 3,450 physicians, concentrating in 70 different subspecialties.

The Complainant Emory University is the proprietor of a number of trademark registrations of its EMORY trademark, including US trademark registration No. 2,382,245, registered on September 5, 2000.

The Complainants operate their “Emory Healthcare Patient Portal” at “www.emoryhealthcare.org/patient-portal”, where Complainants’ patients can pay their bills and view statements, schedule appointments.

The disputed domain name was registered on October 4, 2023, and is being used in connection with a website which is described as a “portal that facilitates communication, setting up appointments, analyses of test results, viewing of x-rays, as well as assessment of your vaccination schedule, among other things”.

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 insists that it has never granted permission to the Respondent to use its EMORY trademark in connection with the registration of a domain name, or otherwise.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

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. The addition of the terms “patient” and “portal” do not detract from this finding.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Having reviewed the available record, the Panel finds the Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainants' 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 is convinced that the disputed domain name was registered with the Complainant in mind and designed to enable the Respondent to compete unfairly with the Complainants, which justifies a finding of registration in bad faith, and the Panel so finds.

It is well-established under the Policy that the use of a disputed domain name found to be confusingly similar to a complainant's trademark to compete directly with the goods or services offered by the Complainant under its trademark constitutes use in bad faith. This is clearly the case in the circumstances of this case, and the Panel, accordingly, finds that the disputed domain name is being used in bad faith.

Moreover, using the disputed domain name, which is confusingly similar to Complainant's EMORY trademark, to run a website called "Emory Patient Portal", offering similar services to the Complainant, is a clear indication that Respondent intentionally attempted to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusion with Complainant's EMORY trademark as to the source, sponsorship, affiliation or endorsement of Respondent's website. Such circumstances are evidence of registration and use of the disputed domain name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

The Panel finds that the third element of the Policy has been established.

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 <emorypatientportal.co> be transferred to the Complainant.

/George R. F. Souter/

George R. F. Souter

Sole Panelist

Date: September 26, 2024