

ADMINISTRATIVE PANEL DECISION

The Vanderbilt University, Vanderbilt University Medical Center v. Sheena Ravi
Case No. D2024-3954

1. The Parties

The Complainants are The Vanderbilt University and Vanderbilt University Medical Center, United States of America (“United States”), represented by Bass, Berry & Sims PLC, United States.

The Respondent is Sheena Ravi, India.

2. The Domain Name and Registrar

The disputed domain name <myhealthatvanderbilt.net> is registered with Porkbun LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 26, 2024. On September 27, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 27, 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 (Private by Design, LLC.) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 30, 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 October 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 October 8, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 28, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 29, 2024.

The Center appointed Steven A. Maier as the sole panelist in this matter on November 1, 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.

Based on the Complainants' submissions, the Panel is satisfied that the Complainants have a specific common grievance against the Respondent and that it would be equitable and procedurally efficient for the proceedings to be consolidated (see section 4.11.1 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

4. Factual Background

The first named Complainant is the owner of the trademark registrations relevant to this proceeding, of the which the second named Complainant is the licensee. The second named Complainant is a prominent academic medical centre based in the United States, comprising a teaching hospital with over 200 clinics across the Southwest region of that country.

The Complainants are the owner (and licensee respectively) of trademark registrations including the following:

- United States trademark registration number 5073167 for the word mark VANDERBILT, registered on November 1, 2016, for medical research and scientific research in International Class 42;
- United States trademark registration number 3686719 for the word mark VANDERBILT HEALTH, registered on September 22, 2009 for health care services and related services in International Class 44; and
- United States trademark registration number 3955015 for a combined trademark, comprising a stylized letter V with an oakleaf and acorn design (the "Figurative Mark"), registered on May 3, 2011, for healthcare and related services in International Class 44.

The Complainants are the owner of domain names including <myhealthatvanderbilt.com>, registered on May 15, 2002 (the "Complainants' Domain Name"). The Complainants' Domain Name resolves to a website, headed VANDERBILT HEALTH and featuring the Figurative Mark, which appears to be a patient portal operated by the Complainant.

The disputed domain name was registered on February 15, 2002.

The disputed domain name has resolved to a website headed "MyHealthAtVanderbilt". The website refers to the Complainants' Domain Name and to "... a convenient service to track and manage your health." The website further references various services provided by the Complainants and offers what appears to be a link button labelled "Login Portal". The website includes numerous other direct references to the Complainants and their services, and purports to offer instructions for resetting and updating a user's online credentials for the Complainant's website, which involves providing the user's date of birth and social security number. The website concludes with the statement: "Disclaimer: This website is not associated with the MyHeathAtVanderbilt."

5. Parties' Contentions

A. Complainants

The Complainants contend that they are a leading healthcare provider, having provided comprehensive care to patients, including over 3.2 million patient visits, 79,000 surgeries, and 240,000 emergency department visits. They submit that they and their trademarks are therefore widely recognized for medical services.

The Complainants submit that the disputed domain name incorporates the entirety of their VANDERBILT and other trademarks and is therefore confusingly similar to trademarks in which they have rights.

The Complainants submit that the Respondent has no rights or legitimate interests in respect of the disputed domain name. They state that they have no relationship with the Respondent and have never authorized it to use its VANDERBILT or other trademarks, that the Respondent has not commonly been known by the disputed domain name, and that the Respondent is making neither bona fide commercial use nor legitimate noncommercial or fair use of the disputed domain name.

The Complainants submit that the disputed domain name has been registered and is being used in bad faith. They contend that, based on the contents of the Respondent's website, the similarity between the disputed domain name and the Complainants' Domain Name, and the Respondent's supposed disclaimer, which directly references the Complainant's Domain Name, it is obvious that the Respondent was aware of the Complainants and their business at the time it registered the disputed domain name.

The Complainants contend that the disputed domain name is being used in bad faith, to deceive patients and others seeking the Complainants' services, and to trade off the Complainants' goodwill. They submit in particular that the disputed domain name will lure unsuspecting Internet users to the Respondent's website, where the Respondent seeks fraudulently to obtain medical records and other personal information from them.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

The Respondent did not reply to the Complainants' contentions

6. Discussion and Findings

In order to succeed in the Complaint, the Complainants are required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainants have 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

The Complainants have established that they are the owners of registered trademark rights in the marks VANDERBILT and VANDERBILT HEALTH. The disputed domain name comprises the terms "health" and "vanderbilt", together with the additional terms "my" and "at", neither of which prevents the Complainants' trademarks from being recognizable within the disputed domain name.

The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which the Complainants have rights.

B. Rights or Legitimate Interests

In the view of the Panel, the Complainants' submissions set out above give rise to a prima facie case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. However, the Respondent has failed to file a Response in this proceeding and has not submitted any explanation for its

registration and use of the disputed domain name, or evidence of rights or legitimate interests on its part in the disputed domain name, whether in the circumstances contemplated by paragraph 4(c) of the Policy or otherwise. Moreover, the Panel finds that the Respondent has registered and used the disputed domain name dishonestly to impersonate the Complainants, which cannot give rise to rights or legitimate interests on the Respondent's part.

The Panel therefore finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

Not only is the disputed domain name confusingly similar to the Complainant's trademarks VANDERBILT and VANDERBILT HEALTH, but it is also identical to the Complainants' Domain Name, which they have held since 2002, save for the use of the generic Top-Level Domain ".net" in place of the Complainants' ".com". In view of these matters, and also the Respondent's use of the disputed domain name, the Panel can have no serious doubt that the Respondent registered the disputed domain name with the Complainants and their trademarks in mind, and with the intention of taking unfair commercial advantage of the goodwill attaching to those trademarks.

The Panel finds the disputed domain name to be inherently misleading, and to represent an obvious attempt to impersonate the Complainants' Domain Name. Moreover, the Respondent's website refers exclusively to the Complainants' business and makes extensive use of their trademarks, including the Figurative Mark. The Panel therefore finds that the Respondent's website, too, impersonates the Complainants, and that the purported disclaimer included by the Respondent at the end of the website is of no material effect in displacing the impression of a legitimate connection between that website and the Complainants. The Panel also notes the website's references to users' personal information including their date of birth and social security number (although it is unclear from the website where the Respondent intends such information to be addressed, and the Complainants do not provide specific evidence of the misuse of such information).

The Panel adds that it is virtually impossible to conceive of any legitimate use to which the Respondent could put the disputed domain name, given its appropriation of the Complainants' trademarks and its virtual identity with the Complainants' Domain Name.

The Panel concludes in the circumstances that, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy).

The Panel finds in the circumstances that the disputed domain name has been registered and is being used in bad faith.

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 <myhealthatvanderbilt.net> be transferred to the Complainant.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: November 14, 2024