

ADMINISTRATIVE PANEL DECISION

General Conference Corporation of Seventh-day Adventists, Adventist Health System/West v. Nam Nguyen Vo
Case No. D2025-0447

1. The Parties

The Complainant is General Conference Corporation of Seventh-day Adventists, United States of America (“United States”), and Adventist Health System/West, United States, represented by Neal, Gerber & Eisenberg LLP, United States.

The Respondent is Nam Nguyen Vo, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <myahphysician.org> (the “Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 4, 2025. On February 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 5, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (NameCheap, Inc. / REDACTED FOR PRIVACY, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 6, 2025, 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 February 12, 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 February 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 6, 2025. The Respondent did not submit any response.

Accordingly, the Center notified the Respondent's default on March 7, 2025.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on March 10, 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 to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant provides healthcare services under the ADVENTIST HEALTH and AH trademarks. The healthcare services are promoted through several websites such as "www.adventisthealth.org", "www.myadventisthealthportal.org", "www.support.ah.org", and "www.connect.ah.org".

The Complainant owns the United States registered trademark no. 5,284,292 for ADVENTIST HEALTH (registered on September 12, 2017).

As the Respondent did not file a Response, not much is known about the Respondent. The Domain Name was registered on October 15, 2023.

At the time of drafting the Decision, the Domain Name resolves to an error page. According to the evidence submitted with the Complaint, the Domain Name resolved, while it was active, to a website providing purported information and articles regarding goods and services in the same fields as offered by the Complainant (weight-loss diets and supplements).

5. Parties' Contentions

A. Complainant

The Complainant provides evidence of the abovementioned trademark registration and argues that it has common law rights in the "AH" mark as an abbreviation of ADVENTIST HEALTH. Moreover, that the Domain Name is confusingly similar to the Complainant's trademark. The addition of the descriptive terms "my" and "physician" is not sufficient to change the overall impression of the designation as being connected to the Complainant's trademark.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the Domain Name. The Respondent has no relationship with the Complainant, nor has the Complainant consented to the registration or use of the Domain Name. The Respondent is not commonly known as "Adventist Health" or "AH" and the Respondent has not made any legitimate noncommercial or fair use of the Domain Name. The Respondent has used the Domain Name for a website that wants to pass itself off as originating from and/or being endorsed by the Complainant.

The Complainant believes the Respondent knew of the Complainant and its trademarks. The Domain Name uses the same format as the Complainant's <myadventisthealthportal.org>. The term "physician" is descriptive of the Complainant's services. Given the renown of the Complainant's trademarks and the Respondent's use of the Domain Name, the Respondent must have deliberately chosen the Domain Name to attract, for commercial gain, Internet users to the Respondent's website, by creating a likelihood of confusion with the Complainant's mark. Furthermore, the Complainant believes the Respondent has published posts fraudulently misappropriated the identity of a doctor. It is, together with the fact that the Domain Name may be used for phishing and the Respondent has used a proxy service to conceal its identity, evidence bad faith.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the Domain Name. In this case the Domain Name consists of the abbreviated AH with "my" added in front and "physician" at the end.

Based on the available record, the Panel finds the first element of the Policy has been established. Irrespective of whether the Complainant has common law rights in the mark "AH", the Panel finds that the abbreviation of the registered mark ADVENTIST HEALTH is reproduced within the Domain Name. Prior UDRP panel decisions have made clear that abbreviating a registered mark is not enough to avoid confusing similarity, when taking into account that the respondent's website intended to imply an affiliation with the complainant. See, e.g., *Groupe Vanessa Bruno v. Tbdsh Rvdsh*, WIPO Case No. [D2023-0628](#), where the disputed domain name <boutiquevb.com> was found to be confusingly similar to the complainant's mark VANESSA BRUNO. See also *Ralf Bohle GmbH v. Chen Shengqiu*, WIPO Case No. [D2023-4534](#).

Considering the circumstances of this case, in particular that the Complainant engages with consumers under the abbreviation "AH" and the Respondent has purported to offer competing goods and services to the Complainant, the Panel finds confusing similarity between the Complainant's trademark and the Domain Name. The addition of "my" and "physician" does not prevent a finding of confusing similarity. See WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8. For the purpose of assessing the confusing similarity under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain ("gTLD") ".com"; see [WIPO Overview 3.0](#), section 1.11.1.

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. 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. See [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Domain Name. The Respondent has not rebutted the Complainant's showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name. Based on the record, the Respondent is not affiliated or related to the Complainant. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired trademark rights. There is no evidence of the Respondent's use of, or demonstrable preparations to use, the Domain Name in connection with a bona fide offering of goods or services. Rather, the Respondent's use of the Domain Name is evidence of bad faith, see below, and as such does not confer rights or legitimate interests upon the Respondent.

Based on the available record, 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.

The Respondent most likely knew of the Complainant when the Respondent registered the Domain Name. It follows from the composition and use of the Domain Name. In these circumstances, the unauthorized use of the Domain Name is evidence of bad faith. It appears that the Respondent must have deliberately chosen the Domain Name with the Complainant in mind in order to attract, for commercial gain, Internet users to the Respondent's website, by creating a likelihood of confusion with the Complainant's mark. This is backed up by the fact that some of the statements on the Respondent's website appears to be fabricated. Moreover, the Panel notes that several aspects of the Respondent's website, including color scheme, layout, and even a figurative element in the heading, appear similar to the Complainant's websites and suggestive of an attempt to falsely suggest an affiliation with the Complainant. Under the circumstances of the case, it also points to bad faith that the Respondent has not replied to the Complainant's contentions.

For the reasons set out above, the Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of paragraph 4(a)(iii) of the Policy. 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 the Domain Name <myahphysician.org> transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: March 14, 2025