

ADMINISTRATIVE PANEL DECISION

CVS Pharmacy, Inc. v. daniel Silvino, daniel Silvino
Case No. D2025-1756

1. The Parties

The Complainant is CVS Pharmacy, Inc., United States of America (“United States”), represented by The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC, United States.

The Respondent is daniel Silvino, daniel Silvino, United States.

2. The Domain Name and Registrar

The disputed domain name <cvsexperts.com> is registered with Tucows Domains Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 1, 2025. On May 1, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 1, 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 (Contact Privacy Inc. Customer 0174593386, Contact Privacy Inc. Customer 0174593386) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 2, 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 amendment to the Complaint on May 3, 2025.

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 May 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 28, 2025.

The Center appointed Michelle Brownlee as the sole panelist in this matter on June 2, 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

The Complainant is a publicly traded corporation that operates pharmacies in the United States. The Complainant had annual revenue of USD 372.8 billion in 2024 and employs approximately 300,000 workers in more than 9,000 locations, which serve 185 million customers. 85 percent of Americans live within ten miles of a CVS pharmacy.

The Complainant owns numerous registrations for the marks CVS and CVS HEALTH in the United States and other jurisdictions around the world. These include:

United States Registration Number 919,941 for CVS for services in international class 35, registered on September 7, 1971;

United States Registration Number 5,055,141 for CVS HEALTH for services in international classes 35, 36, and 44, registered on October 4, 2016; and

United States Registration Number 5,402,010 for CVS HEALTH for goods and services in international classes 3, 5, 10, and 21, registered on February 13, 2018.

The Complainant owns the domain name <cvs.com>, which the Complainant uses to operate a web site.

The disputed domain name was registered on April 7, 2025, and has been used as an email address in connection with a fraudulent purchase order impersonating an employee of the Complainant. Furthermore, the disputed domain name also redirected to the Complainant's website "www.cvs.com".

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 CVS and CVS HEALTH marks, that the Respondent has no legitimate rights or interests in respect of the disputed domain name and that the Respondent's use of the disputed domain name to pass himself off as an employee of the Complainant constitutes bad faith use and registration of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("WIPO Overview 3.0"), section 1.7.

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 both the CVS and CVS HEALTH marks is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here, "corporate", may bear on assessment of the second and third elements, the Panel finds the addition of such term 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.

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.

Panels have held that the use of a domain name for illegal activity, here, claimed impersonation of an employee of the Complainant for the apparent purpose of phishing or another type of fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

In the present case, the Complainant presented evidence showing that the Respondent used the disputed domain name to send an email that appeared to originate from the Complainant and attempted to place an order for goods on the Complainant's behalf and redirected the disputed domain name to the Complainant's web site. This action constitutes bad faith under paragraph 4(b)(iv) of the Policy in that the Respondent attempted to attract Internet users by creating a likelihood of confusion with the Complainant's mark.

Panels have held that the use of a domain name for illegal activity, here, claimed impersonation of an employee of the Complainant for the purpose of phishing or another type of fraud constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <cvshealthcorporate.com> be transferred to the Complainant.

/Michelle Brownlee/

Michelle Brownlee

Sole Panelist

Date: June 15, 2025