

## **ADMINISTRATIVE PANEL DECISION**

Infomedics B.V. v. Jackson Hall

Case No. DNL2025-0006

### **1. The Parties**

The Complainant is Infomedics B.V., Netherlands (Kingdom of the), represented by Novagraaf Nederland B.V., Netherlands (Kingdom of the) (“the Netherlands”).

The registrant of the disputed domain name is Jackson Hall, United States of America, (the “Respondent”).

### **2. The Domain Name and Registrar**

The disputed domain name <infomedics.nl> is registered with SIDN through Realtime Register.

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 3, 2025. On February 4, 2025, the Center transmitted by email to SIDN a request for registrar verification in connection with the disputed domain name.

On February 5, 2025, SIDN 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 and contact information in the Complaint.

The Center sent an email communication to the Complainant on February 5, 2025, providing the information disclosed by SIDN, and inviting the Complainant to amend the Complaint in this light. The Complainant filed an amended Complaint on February 5, 2025.

The Center verified that the Complaint as amended satisfies the formal requirements of the Dispute Resolution Regulations for .nl Domain Names (the “Regulations”).

In accordance with the Regulations, articles 5.1 and 16.4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on February 6, 2025. In accordance with the Regulations, article 7.1, the due date for Response was February 26, 2025. The Center did not receive any response. Accordingly, the Center notified the Respondent’s default on February 27, 2025.

The Center has attempted to send the Respondent the Notification of Complaint and Commencement of Proceedings by courier, but this was impossible, as the system of the courier showed that the address of the Respondent did not exist.

The Center appointed Willem J. H. Leppink as the panelist in this matter on March 13, 2025. The Panel finds that it was properly constituted. The Panelist has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required to ensure compliance with the Regulations, article 9.2.

#### **4. Factual Background**

The following facts are undisputed.

The Complainant is a company in the Netherlands, focused on improving communication between healthcare professionals and patients. It offers digital solutions, such as information systems and platforms, that help healthcare providers provide patients with understandable and relevant information about their health and treatments.

For its main website the Complainant uses the domain name <infomedics.nl>.

The Complainant is the owner of two relevant Benelux trademark registrations, including the word mark INFOMEDICS, registration number 713446, with registration date January 1, 2003, registered for services in classes 35, 36 and 42 (the "Trademark").

The disputed domain name was registered on January 14, 2025. The disputed domain name does not resolve to an active website.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends that it has satisfied each of the elements required under the Regulations for a transfer of the disputed domain name.

Notably, the Complainant contends the following.

The Complainant has used the name INFOMEDICS intensively for more than 35 years.

In the disputed domain name, the name INFOMEDICS is included, except that the letter "M" was replaced by an "N". For the average Internet user, it is very difficult to see the difference. This makes it a clear case of typosquatting.

The Respondent has no rights or legitimate interests whatsoever in respect of the disputed domain name.

The Respondent has no relationship with the Complainant and/or the Trademark. By using the Trademark, the Respondent falsely creates the impression that the disputed domain name belongs to the Complainant.

The Respondent has no trademark registrations for INFONEDICS or INFOMEDICS. No license was granted, and no consent has been given by the Complainant to the Respondent to use the Trademark in the disputed domain name. The Respondent is not commonly known by the disputed domain name. The Respondent is not an official licensee nor is the Respondent authorized in any other way by the Complainant to offer similar services as the Complainant. The Complainant's adoption and extensive use of the Trademark predates the Respondent's registration of the disputed domain name. Since the Trademark is well known in light of Complainant's leading role in the Benelux market, the Respondent's use of the disputed domain name containing the Complainant's trademarks, could not give rights or legitimate interests.

It is unclear what type of legitimate interest the Respondent could have in the disputed domain name. Such use can neither be considered a bona fide offering of goods or services nor a legitimate non-commercial or

fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the Trademark at issue.

## **B. Respondent**

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

## **6. Discussion and Findings**

Pursuant to article 2.1 of the Regulations the Complainant must prove each of the following three elements:

a) the disputed domain name is identical or confusingly similar to:

I) a trademark or trade name protected under Dutch law in which the Complainant has rights; or

II) a personal name registered in the General Municipal Register (Gemeentelijke Basisadministratie) of a municipality in the Netherlands, or the name of a Dutch public legal entity or the name of an association or foundation registered in the Netherlands under which the Complainant undertakes public activities on a permanent basis; and

b) the Respondent has no rights to or legitimate interests in the disputed domain name; and

c) the disputed domain name has been registered or 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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)")<sup>1</sup>, section 1.7

The Complainant has shown that it has rights in the Trademark, which is also protected under Dutch law.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. [WIPO Overview 3.0](#), sections 1.7 and 1.9.

The Complainant has thus established the first element of article 2.1 of the Regulations.

### **B. Rights or Legitimate Interests**

Consistent with earlier decisions under the Regulations, the Complainant must prima facie demonstrate that the Respondent has no rights to or legitimate interests in the disputed domain name. If the Complainant succeeds in making out this prima facie case, the burden of production shifts to the Respondent, who will then have to come forward with appropriate allegations or evidence demonstrating a right to or legitimate interests in the disputed domain name. See *Auto 5 v. E. Shiripour*, WIPO Case No. [DNL2008-0027](#).

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<sup>1</sup> In view of the fact that the Regulations are in large part based on the Uniform Domain Name Dispute Resolution Policy ("UDRP"), it is well established that both cases decided under the Regulations and cases decided under the UDRP, and therefore [WIPO Overview 3.0](#), are relevant to this proceeding (see, e.g., *Aktiebolaget Electrolux v. Beuk Horeca B.V.*, WIPO Case No. [DNL2008-0050](#)).

The Respondent may demonstrate such rights or legitimate interests inter alia through any of the following circumstances based on article 3.1 of the Regulations:

- a) before having any notice of the dispute, the Respondent made demonstrable preparations to use the disputed domain name (or a name corresponding to the disputed domain name) in connection with a bona fide offering of goods or services; or
- b) the Respondent as an individual, business or other organization is commonly known by the disputed domain name; or
- c) the Respondent is making a legitimate noncommercial use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish or otherwise damage the relevant trademark, trade name, personal name, name of a Dutch public legal entity or name of an association or foundation located in the Netherlands.

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 disputed domain name also does not resolve to any active website.

The Complainant has thus established the second element of article 2.1 of the Regulations.

### **C. Registered or Used in Bad Faith**

In light of its considerations under Section 6.B, the facts presented by the Complainant, and the lack of a response by the Respondent, the Panel finds that the disputed domain name has been registered and/or is used in bad faith.

The Panel finds that the Trademark and the Complainant's activities are to a sufficient extent well known in the Netherlands. The Panel also notes the typosquatting nature of the disputed domain name and the failure of the Respondent to submit a response. In addition, it is relevant that the Respondent likely did not include correct address details when registering the disputed domain name. Accordingly, on a balance of probabilities, the Panel finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith.

The Complainant has thus established the third element of article 2.1 of the Regulations.

## **7. Decision**

For all the foregoing reasons, in accordance with articles 1 and 14 of the Regulations, the Panel orders that the disputed domain name <infonedics.nl> be transferred to the Complainant.

*/Willem J. H. Leppink/*

**Willem J. H. Leppink**

Panelist

Date: March 18, 2025