

## **ADMINISTRATIVE PANEL DECISION**

Accord Healthcare Limited v. Yasmin Davila, The Ribeiro Companies, joe mark, and Benjamin Rubacha, Accord Health Advisors  
Case No. D2026-3380

### **1. The Parties**

The Complainant is Accord Healthcare Limited, United Kingdom, represented by Pinsent Masons LLP, United Kingdom.

The Respondents are Yasmin Davila, The Ribeiro Companies ("First Respondent"), United States of America ("United States"); joe mark ("Second Respondent"), United States; and Benjamin Rubacha, Accord Health Advisors ("Third Respondent"), United States, self-represented.

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

The disputed domain names <accordhealthadvisors.com>, <accordhealths.net> and <accordhealthcare.com> are registered with NameCheap, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 30, 2026. On July 30, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On July 31, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 11, 2026 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar(s), requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on August 12, 2026.

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 Respondents of the Complaint, and the proceedings commenced on August 12, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 1, 2026. The Response was filed by the Third Respondent with the Center on August 20, 2026.

The Center appointed John Swinson as the sole panelist in this matter on September 8, 2026. 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 pharmaceutical company specialising in the development, manufacture and distribution of generic, biosimilar and value-added medicines. Founded in 2002 and headquartered in the United Kingdom, the Complainant has operations in more than 85 countries worldwide and a significant presence across Europe.

The Complainant's website at "www.accord-healthcare.com" includes details for Accord Healthcare Inc. that has an office in North Carolina, United States.

The Complainant has a portfolio of trademark registrations, including United Kingdom Registration Number UK00801265059 for ACCORD that has a priority date of February 23, 2015.

The disputed domain name <accordhealths.net> was registered on May 22, 2026.

The disputed domain name <accordheathcare.com> was registered on July 20, 2026.

The disputed domain name <accordhealthadvisors.com> was registered on May 24, 2026.

The First Respondent has an address in Texas, United States, and is the registrant of <accordhealths.net>. The First Respondent did not file a Response, so little information is known about the First Respondent. According to research undertaken by the Panel, the First Respondent is a commercial real estate company from Las Vegas, United States.

The Second Respondent has an address in Chicago, United States, and is the registrant of <accordheathcare.com>. The Second Respondent did not file a Response, so little information is known about the Second Respondent.

The Third Respondent has an address in New York States, United States, and is the registrant of <accordhealthadvisors.com>. A company called Accord Health Advisors LLC was incorporated in Florida, United States on April 30, 2026.

None of the disputed domain names resolve to an active website.

#### **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 names.

In summary, the Complainant makes the following submissions.

The Complainant is the owner of a significant worldwide trade mark portfolio which includes a number of trade mark registrations for marks consisting of or incorporating the element ACCORD including a number of marks consisting of or incorporating ACCORD HEALTH or ACCORD HEALTHCARE.

In the financial year ending March 31, 2025, the Complainant's revenue increased to GBP 240.5 million.

The Complainant maintains a substantial online presence through its corporate websites and social media channels. The Complainant does not market directly to end consumers. Its marketing efforts focus on health professionals. The Complainant has received extensive media coverage and has won awards.

Given the international presence and associated reputation of the Complainant's business and trading name and in the Complainant's marks, no party would choose the disputed domain names unless with the intention to create a false impression of association with the Complainant in order to attract business or misleading to divert the public from the Complainant to the Respondent.

The Respondents have no rights in relation to the ACCORD, ACCORD HEALTH and ACCORD HEALTHCARE brands or the Complainant's marks which are incorporated in the disputed domain names. The Complainant considers it reasonable to conclude that the Respondents registered the disputed domain names knowing that it is likely to attract internet users who are searching for the Complainant.

The disputed domain names are not currently being used in relation to a bona fide offering of goods and services and the Respondents are not making legitimate or fair use of the disputed domain names.

The Complainant considers it is reasonable to conclude that the disputed domain names has been registered in bad faith for illegitimate purposes in order to infringe the Registered Marks; to deceive the public into believing that the goods and services offered by the Respondents are connected to the Complainant; to use the website hosted at the disputed domain names as a means to deceive consumers and to facilitate the creation of email addresses which could be used for illegitimate or fraudulent purposes.

Although the disputed domain names do not currently resolve to an active website, the well-established doctrine of passive holding as discussed in *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#) shows that a finding of use in bad faith can be found when no website appears at the domain name. This is especially true when the domain owner has taken steps to conceal their identity. In the present case the Respondents have concealed their name.

## **B. Respondents**

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

The Third Respondent contends that it is not involved with the First Respondent and the Second Respondent or the disputed domain names <accordhealths.net> and <accordhealthcare.com>. The Third Respondent states that Accord Health Advisors, LLC was established before notice of this dispute, and that the disputed domain name <accordhealthadvisors.com> was registered to establish a business.

## **6. Discussion and Findings**

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied in respect of each disputed domain name, namely:

(i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

(ii) the Respondents have no rights or legitimate interests in respect of the disputed domain names; and

(iii) the disputed domain names have been registered and are being used in bad faith.

Each disputed domain name must be considered separately.

The onus of proving these elements is on the Complainant.

### **Consolidation: Multiple Respondents**

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

Two of the disputed domain name registrants did not comment on the Complainant's request. The Third Respondent (Accord Health Advisors) stated that it is not associated with the other two Respondents.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Select UDRP Questions (["WIPO Overview 3.1"](#)), section 4.11.2.

As regards common control, the Complainant states that each disputed domain name was registered within a short period of time in May and July 2026 through the same registrar and making use of the same of privacy or anonymization measures.

The Panel finds that there is no evidence of common control or that the disputed domain names were registered as part of a coordinated pattern of conduct directed at the Complainant.

While all the disputed domain names involve the term "accordhealth", this is not sufficient to demonstrate common control. The registration dates (two days apart and two months apart) and using the same registrar are also not sufficient to demonstrate common control. Considering these three facts together does not, in the Panel's view, prove a sufficient link to demonstrate common control.

As the Third Respondent appears to be, at least nominally, separate the First and Second Respondents, the Panel is of the view that it is inappropriate for this proceeding to continue as a single proceeding in respect of all of the disputed domain names.

The proceeding is dismissed regarding the disputed domain names <accordhealths.net> and <accordheathcare.com> for which the consolidation is not accepted, without prejudice to the filing of a new complaint(s) regarding these two disputed domain names.

In the decision below, the term "disputed domain name" refers to <accordhealthadvisors.com>.

### **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 3.1](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

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. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms (here, “Health Advisors”) may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), 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 that 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 3.1](#), 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 names. 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 names such as those enumerated in the Policy or otherwise.

The Third Respondent states that Accord Health Advisors, LLC existed before this dispute and that “Accord Health Advisors” is the actual name of the Third Respondent’s business. However, apart from a certificate of incorporation, the Third Respondent has provided no evidence that it has used or made demonstrable preparations to the disputed domain name in connection with a bona fide offering of goods or services. [WIPO Overview 3.1](#), section 2.2.

The Third Respondent was incorporated in April 2026 and registered the disputed domain name on May 24, 2026 and filed its Response on August 19, 2026. Although this period of time is not long, the Third Respondent provide no evidence of any business plans related to the disputed domain name, no evidence of any efforts to establish a website, no information about the nature of its business or intended business, and no information as to when it intends to launch. Alternatively, the Third Respondent could have provided reasons why it had not undertaken any steps to use the disputed domain name or was unable to provide such evidence, but it did not do so.

An asserting party needs to establish that it is more likely than not that the claimed fact is true. An asserting party cannot meet its burden by simply making conclusory statements unsupported by evidence. To allow a party to merely make factual claims without any supporting evidence would essentially eviscerate the requirements of the Policy as both complainants and respondents could simply claim anything without any proof. For this reason, UDRP panels have generally dismissed factual allegations that are not supported by any bona fide documentary or other credible evidence.

There is also no evidence before the Panel that the Third Respondent is commonly known as Accord Health Advisors.

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

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

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.1](#), section 3.2.1.

There is no evidence before the Panel that enables the Panel to conclude that the Third Respondent registered the disputed domain name because of the Complainant or its trademark. The disputed domain name consists of "Accord Health Advisors" and the Complainant's corporate name comprises "Accord Healthcare". The Complainant operates mainly in Europe, and there is little evidence before the Panel of the Complainant's reputation in the United States. The Complainant makes no arguments that the Third Respondent in the United States would likely be aware of the Complainant or its trademark.

The Complainant states that the Complainant does not market directly to end consumers and that its marketing efforts focus on health professionals. There is no evidence that the Third Respondent is a health professional.

The Complainant states that the Complainant "considers it is reasonable to conclude that the [disputed domain name] has been registered in bad faith for illegitimate purposes in order to infringe the Registered Marks" but provides no evidence in this regard specifically related to the disputed domain name or the Third Respondent. Further, it appears unlikely, without further evidence, that a Florida registered corporation called Accord Health Advisors, LLC was created for illegitimate purposes. There is no evidence that the Third Respondent has tried to conceal its true identity.

The Complainant states that the Third Respondent registered the disputed "to use the website hosted at the [disputed domain name] as a means to deceive consumers and to facilitate the creation of email addresses which could be used for illegitimate or fraudulent purposes." However, there is no evidence of any website hosted at the disputed domain name and there is no evidence of any illegitimate or fraudulent emails using the disputed domain name.

On balance, based on the evidence before the Panel, the Complainant fails on the third element of the Policy because the Complainant cannot show that the Third Respondent registered the disputed domain name in bad faith.

The Complainant also fails to demonstrate that the Third Respondent used the disputed domain name in bad faith. The Third Respondent is not using, and there is no evidence that the Third Respondent has ever used, the disputed domain name. In an attempt to overcome this difficulty, the Complainant relies on the passive holding doctrine that was established in *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#).

In the Nuclear Marshmallows case, the complainant's trademark was one of the most famous in Australia, the complainant provided substantial evidence of its reputation in Australia, the respondent had an Australian address and was likely aware of the complainant, and the respondent used a fake name to conceal his or her identity.

The Complainant in the present case has not provided evidence to establish that the Third Respondent registered the disputed domain name because of the Complainant. The terms “Accord” “Health” and “Healthcare” are dictionary terms. These are not terms like “Telstra” that is highly distinctive. It is not implausible that a company in Florida would use “Accord Health Advisors” in good faith. There is insufficient evidence to show that the “Accord” as used by the Complainant is famous in Florida.

Thus, there is not passive holding under the test set out in the Telstra case sufficient to establish bad faith use. See, for example, *Kelin S.r.l. v. Privacy Service provided by Withheld for Privacy ehf / Vincent Cammarata*, WIPO Case No. [D2022-0746](#); *Cheyne Capital Holdings Limited v. Sheri Kempe, cheynegroup*, WIPO Case No. [D2022-2070](#); and *Majid Al Futtain Properties LLC v. Ayman Bajnaid*, WIPO Case No. [D2022-4130](#).

In short, the evidence in the case file as presented does not indicate that the Respondent’s aim in registering the disputed domain name was to profit from or exploit the Complainant’s trademark.

The Panel finds the third element of the Policy has not been established.

## **7. Decision**

For the foregoing reasons, the Complaint is denied in respect of the disputed domain name <accordhealthadvisors.com>.

The proceeding is dismissed regarding the disputed domain names <accordhealths.net> and <accordheathcare.com>, without prejudice to the filing of a new complaint or complaints regarding these disputed domain names.

*/John Swinson/*

**John Swinson**

Sole Panelist

Date: September 22, 2026