

ADMINISTRATIVE PANEL DECISION

CitiusTech Healthcare Technology Private Limited v. Simran Kaur Walia
Case No. D2024-3363

1. The Parties

The Complainant is CitiusTech Healthcare Technology Private Limited, India, represented by Vutts & Associates LLP, India.

The Respondent is Simran Kaur Walia, India.

2. The Domain Name and Registrar

The disputed domain name <citustechgroup.com> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 16, 2024. On August 16, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 16, 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 (Registration Private, Domains by proxy LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 21, 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 August 23, 2024.

The Center verified that the Complaint together with the amendment to 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 August 26, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 15, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 16, 2024.

The Center appointed Ashwinie Kumar Bansal as the sole panelist in this matter on September 25, 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.

4. Factual Background

The Complainant is a provider of consulting and digital technology to healthcare and life sciences companies, which was founded as Citius IT Solutions Private Limited in the year 2005 in India. The Complainant later on changed its name to CitiusTech Healthcare Technology Private Limited on October 10, 2015. The Complainant builds applications, deploys enterprise-level software and is a pioneer in healthcare analytics in the international market. It is a company well established in the United States of America market and is expanding its business to other countries. CitiusTech has been funded by various investors/ shareholders including General Atlantic for millions of dollars.

The Complainant first adopted the Trademark CITIUSTECH as its brand name and logo in the year 2005 when the Company was established with the name Citius IT Solutions Private Limited. The Trademark CITIUSTECH is the registered Trademark of the Complainant, featuring in its corporate name. The Complainant operates in India, United States of America, United Kingdom, United Arab Emirates, and Singapore. The Complainant has been using the Trademark CITIUSTECH from the date of adoption until now and has met with significant sales and services under the said Trademark. In order to promote the Trademark, the Complainant has spent large sums of money in advertisement and marketing in the last decade, which has established its worldwide reputation and goodwill.

The Complainant has furnished evidence of registration of the Trademark CITIUSTECH in the United States of America and India. It has registered the Trademark CITIUSTECH in India on March 3, 2014, in Class 09 vide registration no. 2690440 and in the United States of America on October 28, 2014 in Class 09, 42 vide registration no. 4628676.

The disputed domain name was registered on July 19, 2024, without any authorization from the Complainant due to which the present complaint has been filed.

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. The Complainant is a company well-established in the United States of America market and is expanding its business to other countries. It has been funded by various investors and shareholders including General Atlantic for millions of dollars. It has featured at No. 7 in the Top 100 Healthcare Technology Companies of 2022 announced by the Healthcare Technology Report. It was even positioned as Star Performer in Everest Group PEAK Matrix® for Healthcare Payer Digital Service Provider in 2022.

Since the inception of the Complainant in 2005, the Trademark CITIUSTECH has featured as a brand name, corporate name and umbrella Trademark of the Complainant. The Complainant is one of the well-respected business houses in India as well as in the United States of America. The Complainant, ever since adopting the Trademark has continuously, extensively and for a long period of time met with tremendous sales for its products and services under the Trademark. In order to promote the Trademark, the Complainant has spent large sums of money in advertisement and marketing. The degree of recognition and association of the words "Citius" and "CitiusTech" with the Complainant is evidenced by the fact that a Google search for "Citius" and "CitiusTech" predominantly reveals links to the Complainant.

The main website “www.citiustech.com” of the Complainant provides information about the Complainant and details of its widespread presence. The website, which became active in 2005, prominently features the CITIUSTECH name and Trademark and is accessible to people from all around the world. The Complainant’s rights in its Trademark have been recognized in various legal proceedings. Additionally, the Complainant has also been successful in various UDRP complaints against domain names identical to or deceptively similar to Trademark CITIUSTECH. In summary, the Trademark CITIUSTECH is synonymous with the Complainant and its businesses across the globe and has acquired immense reputation and goodwill over the last 10 years of its use. Consumers around the world exclusively associate the Trademark with the Complainant. The Complainant’s extensive global advertising, marketing and use of the Trademark established its worldwide reputation and goodwill under common law.

The Complainant is a leading provider of healthcare technology services and solutions. The granting of registrations by various trademark offices to the Complainant for the Trademark CITIUSTECH is prima facie evidence of the validity of the term “citiustech” as the Trademark, of the Complainant’s ownership of the Trademark, and of the Complainant’s exclusive right to use the Trademark CITIUSTECH in connection with the commercial activities and businesses in India as well as the United States of America as specified in the registration certificates.

The Respondent is not sponsored by or affiliated with the Complainant in any way. The Complainant has not given the Respondent permission to use the Complainant’s Trademark in any manner. The Respondent is not commonly known or doing business under the disputed domain name, which evidences a lack of rights or legitimate interests. The disputed domain name comprises the Complainant’s prior, invented and well-known Trademark and trade name in its entirety. The disputed domain name is confusingly similar to the Trademark in which the Complainant has rights. The Respondent’s disputed domain name does not direct to an active webpage; instead, it leads to a GoDaddy landing page featuring pay-per-click advertisements. This landing page includes three hyperlinks: Business Consulting Services, Business Consulting and Business Solutions, which overlap with the services offered by the Complainant under its CITIUSTECH Trademark. This indicates that the Respondent’s intention is to acquire the disputed domain name solely for pay-per-click advertising, aiming to mislead consumers into thinking there is a connection between the domain and the Complainant, thereby damaging the Complainant’s Trademark.

By registering a domain name that incorporates the Trademark CITIUSTECH with the addition of generic term “group”, the Respondent has created a domain name that is confusingly similar to the Complainant’s Trademark CITIUSTECH, as well as its domain name <citiustech.com>. As such, the Respondent has demonstrated a knowledge of, and familiarity with the Complainant’s brand and business.

The Respondent’s motive to register the disputed domain name appears to be trading off the immense recognition of the Trademark and cheating innocent public. Moreover, the Respondent has used the disputed domain name for the purposes of registering and using the disputed domain name to encash upon the goodwill and reputation of the Complainant’s Trademark. In light of the facts set forth within this Complaint, it is not possible to conceive of a plausible situation in which the Respondent would have been unaware of the Complainant’s brand at the time the disputed domain name was registered. Stated differently, CITIUSTECH and Citiustech Group are so closely linked and associated with the Complainant that the Respondent’s use of the Trademark, or any minor variation, strongly implies bad faith where a domain name is so obviously connected with such a well-known name. Further, where the disputed domain name incorporates the Complainant’s famous Trademark CITIUSTECH along with the related, generic term “group”, it defies common sense to believe that the Respondent coincidentally selected the precise domain name without any knowledge of the Complainant.

The Complainant pleads that the disputed domain name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

The Complainant is required to make out its case in all respects under paragraph 4(a) of the Policy, which sets out the three elements that must be present for the proceedings to be brought against the Respondent, which the Complainant must prove to obtain a requested remedy. It provides as follows:

“Applicable Disputes. You are required to submit to a mandatory administrative proceeding in the event that a third party (a ‘complainant’) asserts to the applicable Provider, in compliance with the Rules of Procedure, that:

(i) your domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and

(ii) you have no rights or legitimate interests in respect of the domain name; and

(iii) your domain name has been registered and is being used in bad faith.

In the administrative proceeding, the complainant must prove that each of these three elements are present.”

The Panel will address all the three aspects of the Policy listed above hereunder:

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 furnished evidence of its rights in the Trademark CITIUSTECH through details of its registrations and common law rights accrued to it due to long and substantial use of the Trademark in India and the United States of America. The Panel has considered and examined all the documents submitted by the Complainant in support of its claim that the Complainant has various registrations for the Trademark CITIUSTECH. There is no doubt that the Complainant has rights in the Trademark CITIUSTECH.

[WIPO Overview 3.0](#), section 1.7 provides the consensus view of panelists: “While each case is judged on its own merits, in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant trademark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that trademark for purposes of UDRP standing.”

In creating the disputed domain name, the Respondent has added the term “group” to the Complainant’s Trademark CITIUSTECH. The mere addition of the suffix “group” does not prevent a finding of confusing similarity between the disputed domain name and the Complainant’s Trademark CITIUSTECH.

The Panel considers it useful to refer to [WIPO Overview 3.0](#), section 1.8: “Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. The nature of such additional term(s) may however bear on assessment of the second and third elements.”

Further, [WIPO Overview 3.0](#), section 1.11.1 states that the applicable Top-Level Domain (“TLD”) in a domain name (e.g., “.com”, “.club”, “.nyc”) is viewed as a standard registration requirement and as such may be disregarded under the first element confusing similarity test. The entirety of the Trademark CITIUSTECH of the Complainant is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Trademark CITIUSTECH for the purposes of the Policy.

The Panel finds that the Complainant has successfully established the first element of paragraph 4(a)(i) of the Policy.

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.

The Complaint is based on the Trademark CITIUSTECH registered in favor of the Complainant. The Respondent has not filed a response and thus, Respondent has failed to demonstrate any rights or legitimate interests in the 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.

The Respondent is not an agent of the Complainant, and the Respondent does not in any way or manner carry out activities for or on behalf of the Complainant. Thus, the Respondent is in no way related to the Complainant. The Complainant has not authorized or permitted the Respondent to use the Trademark CITIUSTECH.

The Respondent admittedly has neither utilized the disputed domain name nor hosted any content on the site, however, the same currently resolves to a parked page hosting pay-per-click advertisement. As per [WIPO Overview 3.0](#), section 2.9, the use of the disputed domain name to host a parked page comprising pay-per-click links does not represent a bona fide offering where such links capitalize on the reputation and goodwill of the Complainant’s Trademark or otherwise mislead the Internet users.

There is no evidence before the Panel that the Respondent has any trademark rights associated with the disputed domain name or has actually been commonly known by the disputed domain name, apart from registration of the disputed domain name. The Respondent has failed to demonstrate any rights or legitimate interests in the disputed domain name as per paragraph 4(c) of the Policy or otherwise. 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 Complaint 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 Panel finds the second element of paragraph 4(a)(ii) of the Policy has been established.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy identifies, in particular but without limitation, four circumstances which, if found by the Panel to be present, shall be evidence of the registration and use of the disputed domain name in bad faith. The Complainant is required to prove both that the disputed domain name was registered in bad faith and that it is being used in bad faith. Hence, circumstances at the time of registration and thereafter have to be considered by the Panel.

The Respondent is not commonly known as or identified by the disputed domain name nor does it have any right in it. The Complainant has not licensed, authorized, or permitted the Respondent to register the disputed domain name incorporating the Complainant’s Trademark. Thus, in the circumstances of this case, in the absence of any license or permission from the Complainant to use its Trademark, no actual or

contemplated bona fide or legitimate use of the disputed domain name could reasonably be claimed by the Respondent. Such unauthorized registration by the Respondent suggests opportunistic bad faith in these circumstances.

The Complainant's Trademark CITIUSTECH has been found to be a well-known trademark, particularly in India, where the Respondent seems to be located. On the balance of probabilities, the Panel considers that there is virtually no possibility, noting inter alia the well-known nature of the Complainant's Trademark CITIUSTECH and the well-established reputation and goodwill associated with it that the Respondent was unaware of the existence of the Complainant and/or its Trademark CITIUSTECH. [WIPO Overview 3.0](#), section 3.2.2 states "Noting the near instantaneous and global reach of the Internet and search engines, and particularly in circumstances where the complainant's mark is widely known (including in its sector) or highly specific and a respondent cannot credibly claim to have been unaware of the mark (particularly in the case of domainers), panels have been prepared to infer that the respondent knew, or have found that the respondent should have known, that its registration would be identical or confusingly similar to a complainant's mark".

The Complainant has produced evidence of registration of the Trademark CITIUSTECH in the year 2014 and contends that it has been using the Trademark extensively since 2005. The Respondent registered the disputed domain name on July 19, 2024, incorporating in its entirety the Trademark CITIUSTECH of the Complainant.

Paragraph 4(b)(iv) of the Policy provides that the intentional use of a domain name to attract users to a website for commercial gain, by creating a likelihood of confusion with the complainant's mark, establishes bad faith in the registration and use of the domain name. In the present case, the Panel notes that the Respondent used the disputed domain name for its own commercial gain by creating a likelihood of confusion with the Complainant's CITIUSTECH Trademark. The Respondent attempted to profit from the Complainant's reputation through pay-per-click links.

In view of the above, the Panel concludes that the third and last condition provided for by paragraph 4(a)(iii) of the Policy is met. The Panel therefore finds that the disputed domain name has been registered and is being used by the Respondent 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 <citiustechgroup.com> be transferred to the Complainant.

/Ashwinie Kumar Bansal/

Ashwinie Kumar Bansal

Sole Panelist

Date: October 3, 2024