

## **ADMINISTRATIVE PANEL DECISION**

C2N Diagnostics, LLC v. Micheal Holt, c2ndiagnostic and Scott Daniel  
Case No. D2024-4143

### **1. The Parties**

The Complainant is C2N Diagnostics, LLC, United States of America, represented by Reed Smith LLP, United States of America.

The Respondents are Micheal Holt, c2ndiagnostic, United States of America and Scott Daniel, United States of America.

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

The disputed domain names <c2ndiagnostic.net> and <c2ndiagnostics.net> are registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 9, 2024. On October 9, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On October 9, 2024, 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 (Domain Admin, Withheld for privacy ehf) and contact information in the Complaint.

The Center sent an email communication to the Complainant on October 10, 2024 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, 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 October 12, 2024.

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 October 16, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 5, 2024. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on November 6, 2024.

The Center appointed Evan D. Brown as the sole panelist in this matter on November 11, 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 in the business of developing and commercializing advanced diagnostic tools for Alzheimer's disease and related neurodegenerative conditions. It owns the trademark C2N DIAGNOSTICS, for which it asserts common law rights established through continuous use since at least 2007 and the investment of significant time and financial resources. The Complainant submitted examples of marketing materials and a screenshot of its website to support the acquisition of these common law rights.

According to the Whois records, the disputed domain names <c2ndiagnostic.net> and <c2ndiagnostics.net> were registered on May 11, 2024, and June 3, 2024, respectively. The Complainant asserts that the Respondents have used the disputed domain names to perpetrate phishing schemes, soliciting sensitive personal and financial information by impersonating the Complainant.

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

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

The Complainant contends that the disputed domain names are identical or confusingly similar to the Complainant's trademark; that the Respondents have no rights or legitimate interests in respect of the disputed domain names; and that the disputed domain names were registered and are being used in bad faith.

##### **B. Respondents**

The Respondents did not respond to the Complainant's contentions.

#### **6. Discussion and Findings**

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (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. The Panel finds that all three of these elements have been met in this case.

##### **A. Consolidation of Respondents**

There are two named Respondents - one for each of the disputed domain names. The Complainant requests that both disputed domain names be consolidated into this matter. Consolidation is proper, so the Complainant's request for consolidation is granted.

Paragraph 10(e) of the Rules states that a “[p]anel shall decide a request by a Party to consolidate multiple domain name disputes in accordance with the Policy and these Rules.” Paragraph 10(c) of the Rules provides, in relevant part, that “the [p]anel shall ensure that the administrative proceeding takes place with due expedition.” Section 4.11.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), summarizes the consensus view of UDRP panels on the consolidation of multiple respondents and provides that where a complaint is filed against multiple respondents, panels consider whether the domain names or corresponding websites are subject to common control and whether the consolidation would be fair and equitable to all parties.

The record indicates that the disputed domain names are under common control. The following facts support this conclusion:

- The disputed domain names share the same Registrar, nameservers, and privacy service.
- The disputed domain names were registered within a month of each other.
- Both disputed domain names have been used to perpetrate identical phishing schemes impersonating the Complainant.

The Respondents have not presented any arguments as to why consolidation would be unfair or inequitable. Accordingly, conditions for proper consolidation of the Respondents into one matter are present here.

## **B. Identical or Confusingly Similar**

This 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 names. See [WIPO Overview 3.0](#), section 1.7. This element requires the Panel to consider two issues: (i) whether the Complainant has rights in a relevant mark, and (ii) whether the disputed domain names are identical or confusingly similar to that mark.

The Complainant has established its rights in the C2N DIAGNOSTICS mark through evidence of longstanding use and goodwill. The disputed domain names incorporate the C2N DIAGNOSTICS mark in its entirety. The omission of the letter “s” in one of the disputed domain names does not prevent a finding of confusing similarity under the Policy. The C2N DIAGNOSTICS mark remains recognizable within both of the disputed domain names.

Further, the applicable Top-Level Domain (“TLD”), “.net,” is disregarded under this element as it is a standard registration requirement. See [WIPO Overview 3.0](#), section 1.11.1; *America Online, Inc. v. John Zuccarini*, WIPO Case No. [D2000-1495](#) (“The mere addition of a minor misspelling ... does not create a new or different mark in which the Respondent has rights. Instead, it results in a domain name that is confusingly similar to Complainant’s mark.”).

Given the Complainant’s established rights and the recognizable incorporation of the C2N DIAGNOSTICS mark within the disputed domain names, the Panel finds that the disputed domain names are confusingly similar to the Complainant’s trademark.

Accordingly, the Panel concludes that the Complainant has satisfied the first element under the Policy.

## **C. Rights or Legitimate Interests**

The Panel evaluates this element of the Policy by first looking to see whether the Complainant has made a prima facie showing that the Respondents lack rights or legitimate interests in respect of the disputed domain names. If the Complainant makes that showing, the burden of production shifts to the Respondents (with the burden of proof always remaining with the Complainant). See [WIPO Overview 3.0](#), section 2.1; *AXA SA v. Huade Wang*, WIPO Case No. [D2022-1289](#).

The Complainant asserts that: (1) the Respondents are not affiliated with the Complainant, (2) the Respondents are not commonly known by the disputed domain names, (3) the Respondents have not made any legitimate noncommercial or fair use of the disputed domain names, and (4) the Respondents have used the disputed domain names to engage in a phishing scheme impersonating the Complainant.

The Panel finds that the Complainant has made the required prima facie showing. The Respondents have not presented evidence to overcome this prima facie showing. The use of a domain name for illegal activity such as phishing and impersonation can never confer rights or legitimate interests on a respondent.

Accordingly, the Panel finds that the Complainant has established this second element under the Policy.

#### **D. Bad Faith**

The Policy requires a complainant to establish that the disputed domain names were registered and are being used in bad faith.

The evidence demonstrates that the Respondents deliberately registered the disputed domain names mimicking the Complainant's trademark to engage in fraudulent activities. Specifically, the Respondents used the disputed domain names to send emails impersonating the Complainant, soliciting sensitive personal and financial information from individuals under false pretenses. This conduct constitutes bad faith under paragraph 4(b) of the Policy, particularly as it seeks to exploit the Complainant's goodwill for illegitimate financial gain.

Accordingly, the Panel finds that the Complainant has established this third element under 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 names <c2ndiagnostic.net> and <c2ndiagnostics.net> be transferred to the Complainant.

*/Evan D. Brown/*

**Evan D. Brown**

Sole Panelist

Date: November 25, 2024