

ADMINISTRATIVE PANEL DECISION

Office Ally, Inc. v. Kiara Price, Kiara Price
Case No. D2025-0036

1. The Parties

Complainant is Office Ally, Inc., United States of America ("United States"), represented by Nelson Mullins Riley & Scarborough, L.L.P., United States.

Respondent is Kiara Price, Kiara Price, United States.

2. The Domain Name and Registrar

The disputed domain name <myofficeally.com> (the "Domain Name") is registered with Tucows Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 6, 2025. On January 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain name. On January 7, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Contact Privacy Inc. Customer 0173607311) and contact information in the Complaint. The Center sent an email to Complainant on January 9, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on January 13, 2025.

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 Respondent of the Complaint, and the proceedings commenced on January 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 3, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on February 5, 2025.

The Center appointed Robert A. Badgley as the sole panelist in this matter on February 10, 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

According to Complainant:

"Office Ally is a healthcare technology company that offers cloud-based solutions to healthcare providers, independent physician associations (IPAs), and health plans. [...] Complainant's platform supports both the management of care and facilitates payments between providers, health plans and patients and is paired with a clearinghouse that enables the secure exchange of healthcare information including claims, remits, and eligibility information between covered entities and across the healthcare market." [...]

"Complainant has been providing its software platform to customers under the OFFICE ALLY trademark since at least as early as 2000, when Complainant was founded."

Complainant owns the domain name <officeally.com>, and uses that domain name to host its main commercial website.

Complainant owns a trademark registration with the United States Patent and Trademark Office ("USPTO") for the stylized mark OFFICE ALLY, USPTO Reg. No. 7,153,725, registered on September 5, 2023, with a March 7, 2000 date of first use in commerce.

The Domain Name was registered on December 22, 2024. The Domain Name resolves to an error page. There is, however, an MX server associated with the Domain Name. According to Complainant, this indicates "possible or intended use of the Domain Name to host email addresses".

According to Complainant, it has no relationship with Respondent, and has not authorized Respondent to use its OFFICE ALLY trademark in a domain name or otherwise.

Respondent has not denied any of the foregoing allegations.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Panel finds that Complainant holds rights in the trademark OFFICE ALLY through registration and use demonstrated in the record, including on Complainant's commercial website. The Panel finds that the Domain Name is confusingly similar to Complainant's mark. Notwithstanding the word "my" in the Domain Name, Complainant's mark is entirely incorporated within the Domain Name.

Complainant has established Policy paragraph 4(a)(i).

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel concludes that Respondent lacks rights or legitimate interests in respect of the Domain Name. Respondent has not come forward to dispute Complainant's allegations or articulate some bona fide basis for registering the Domain Name. As noted above, the undisputed record shows that Respondent had no authorization from Complainant to use its OFFICE ALLY trademark in a domain name. Further, there is an MX server associated with the Domain Name, which may indicate an intent to use the Domain Name to create one or more email addresses. The Panel concludes that Respondent more likely than not targeted Complainant's mark to impersonate Complainant somehow.

Complainant has established Policy paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides that the following circumstances, "in particular but without limitation", are evidence of the registration and use of the Domain Name in "bad faith":

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's website or other online location, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website

or location or of a product or service on Respondent's website or location.

The Panel concludes that Respondent has registered and used the Domain Name in bad faith. The Panel incorporates here its discussion above in the "Rights or Legitimate Interests" section. The Panel finds, on this undisputed record and on a balance of probabilities, that Respondent had Complainant and its mark in mind when registering the Domain Name. This finding is buttressed by the fact that, while "office" and "ally" are by themselves ordinary dictionary words, the combined term "office ally" is not so commonly used.

As discussed above, the Panel concludes that Respondent more likely than not targeted Complainant's mark in order to impersonate Complainant somehow. The MX server associated with the Domain Name reinforces this conclusion. This use of the Domain Name constitutes bad faith registration and use of the Domain Name.

Complainant has established Policy paragraph 4(a)(iii).

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 Domain Name <myofficeally.com> be transferred to Complainant.

/Robert A. Badgley/

Robert A. Badgley

Sole Panelist

Date: February 21, 2025