

## **ADMINISTRATIVE PANEL DECISION**

Lifepoint Health, Inc. v. Andrew Andrawos, Jungle Tech  
Case No. D2025-0070

### **1. The Parties**

Complainant is Lifepoint Health, Inc., United States of America ("United States"), represented by Holland & Knight, LLP, United States of America.

Respondent is Andrew Andrawos, Jungle Tech, United States.

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

The disputed domain name <lifepointpharmacy.com> is registered with NameCheap, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 8, 2025. On January 9, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 10, 2025, 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 (Redacted for Privacy, Withheld for Privacy) and contact information in the Complaint. The Center sent an email communication Complainant on January 13, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on January 13, 2025.

The Center verified that the Complaint together with the amendment to the 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 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 4, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on February 11, 2025.

The Center appointed Georges Nahitchevansky as the sole panelist in this matter on February 17, 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**

Complainant, Lifepoint Health, Inc., is a provider of hospital management and healthcare services. Complainant operates a number of community hospital campuses, rehabilitation and behavioral health hospitals and additional sites of care. Complainant owns and uses the names and marks LIFEPOINT, LIFEPOINT HOSPITALS, and LIFEPOINT HEALTH in connection with its services. Complainant owns a number of trademark registrations in the United States for its LIFEPOINT and LIFEPOINT formative marks. These include, inter alia, registrations for LIFEPOINT (Registration Nos. 3760856 and 3802200) which issued to registration on March 16, 2010, and January 15, 2010, respectively, LIFEPOINT HEALTH (Registration Nos. 4924289 and 4924290) which issued to registration on March 22, 2016, and LIFEPOINT HOSPITALS (Registration Nos. 2,472,025 and 2,472,026) which issued to registration on July 24, 2001.

Complainant also owns and uses the domain name <lifepointhealth.net> for a website that provides information concerning Complainant and its services.

Respondent appears to be based in the United States. Respondent registered or acquired the disputed domain name on August 14, 2024. At some point thereafter, Respondent began using the disputed domain name for a website entitled “Lifepoint Pharmacy” that promotes prescription filling services, immunizations, long term care and hospice facility services, and clinical care. That website is currently available at the disputed domain name.

#### **5. Parties’ Contentions**

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

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

Notably, Complainant contends that it is a leading healthcare company and that its LIFEPOINT marks “have become widely known to consumers to identify specifically with healthcare services”.

Complainant asserts that the disputed domain name is identical or confusingly similar to its LIFEPOINT mark as it fully incorporates the LIFEPOINT mark with the immaterial descriptive term “pharmacy”.

Complainant maintains that Respondent does not have rights or legitimate interests in the disputed domain name as Respondent (i) is unconnected to Complainant and has no license of authorization from Complainant to use Complainant’s LIFEPOINT mark, (ii) is not commonly known by the LIFEPOINT name and mark, and (iii) has not made a bona fide or legitimate noncommercial or fair use of the disputed domain name. In that regard, Complainant notes that Respondent has used the disputed domain name to attract and redirect consumers to its website to either provide alleged pharmacy services or to collect the personal information of unsuspecting consumers. Complainant also notes that there is no evidence that Respondent actually delivers any of its claimed services and that the address for Respondent on its website is actually an address for a gun shop.

##### **B. Respondent**

Respondent did not reply to Complainant’s contentions.

## 6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and 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"](#)), section 1.7.

Complainant has shown rights in its LIFEPOINT mark for purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. Here, the LIFEPOINT mark is fully incorporated at the head of the disputed domain name. Although the addition of the descriptive word "pharmacy" at the tail of the disputed domain name may bear on the assessment of the second and third elements, the Panel finds the addition of such word does not prevent a finding of confusing similarity between the disputed domain name and the LIFEPOINT mark for purposes of the Policy. [WIPO Overview 3.0](#), 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 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 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.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

Respondent's registration of the disputed domain name is clearly based on the LIFEPOINT mark and does not seem coincidental. Needless to say, the disputed domain name as constituted carries a risk of implied affiliation, particularly in view of the myriad services that Respondent purports to offer on its website, several of which would likely be seen by consumers (even mistakenly) as related to, competing with or subsumed within Complainant's hospital management and healthcare services. [WIPO Overview 3.0](#), section 2.5.1.

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

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

The Panel notes that, for purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In view of Respondent's failure to appear in this proceeding, the composition of the disputed domain name and its use, it is easy to infer that Respondent's registration and use of the disputed domain name, which is clearly based on Complainant's LIFEPOINT mark has been done opportunistically and in bad faith for the benefit or profit of Respondent. The disputed domain name on its face suggests a connection to Complainant and its hospital management and healthcare services and was registered well after Complainant had established rights in its LIFEPOINT mark. Moreover, the fact that there is no evidence that Respondent provides any of its many claimed services and that Respondent has used what appears to be a bogus address on its website for its claimed "Lifepoint Pharmacy" underscores that the disputed domain name and associated website may in fact have been created for a nefarious or other purpose.

In all, the Panel finds it more likely than not that Respondent was fully aware of Complainant and its LIFEPOINT name and mark when it registered the disputed domain name for Respondent's benefit.

The Panel thus finds that Complainant has established the third element of 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 name <lifepointpharmacy.com> be transferred to Complainant.

*/Georges Nahitchevansky/*

**Georges Nahitchevansky**

Sole Panelist

Date: March 3, 2025