

ADMINISTRATIVE PANEL DECISION

CitiusTech Healthcare Technology Private Limited v. Citius Tech, Citius
Tesch

Case No. D2025-0076

1. The Parties

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

The Respondent is Citius Tech, Citius Tesch, India.

2. The Domain Name and Registrar

The disputed domain name <citius-tech-india.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 9, 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 / Privacy Service Provided by Withheld for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 13, 2025, 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 January 14, 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 the Respondent of the Complaint, and the proceedings commenced on January 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 17, 2025.

The Center appointed Maninder Singh as the sole panelist in this matter on March 3, 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

As set out in the Complaint, the Complainant is claiming to be a leading provider of consulting and digital technology to healthcare and life sciences companies. The Complainant operates in India, the United States of America ("USA"), the United Kingdom, the United Arab Emirates and Singapore.

The Complainant 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. This mark is also used as a part of the name of the Complainant's subsidiary company in the USA, CitiusTech, Inc., established on July 11, 2005. The Complainant then changed its name to CitiusTech Healthcare Technology Private Limited on October 10, 2015.

The Complainant has been using the trademark CITIUSTECH (the "Mark CITIUSTECH") continuously and exclusively from the date of adoption until now. The Complainant has acquired statutory rights in the Mark CITIUSTECH through registration in USA and India. The Complainant has referred to and relied upon various trademark registrations in different territories including - Indian Trademark No. 2700671 registered on March 18, 2014, Indian Trademark Registration No. 2690440 registered on March 3, 2014, and USA Trademark Registration No. 4628676 registered on October 28, 2014.

The Complainant is the owner of the domain name <citius.tech> since 2005, which prominently features CITIUSTECH name and Mark.

The Respondent registered the disputed domain name on December 18, 2024. At time of filing the Complaint, the disputed domain name resolved to a Registrar parking page displaying pay-per-click ("PPC") in Hindi language. The email address "[...].@citius.tech-india.com" associated with the disputed domain name has been used as part of a fraudulent emails scheme impersonating the Complainant's human resources staff.

Presently, the disputed domain name does not resolve to an active webpage.

5. Parties' Contentions

A. Complainant

The Complainant claims that the Mark CITIUSTECH is the registered trademark of the Complainant. The Complainant has been using the Mark CITIUSTECH continuously and exclusively from the date of adoption. The Complainant claims that the Mark CITIUSTECH, which is its brand name, corporate name and umbrella trademark, is one of the well-respected business houses in India as well as in USA.

The Complainant claims that it is a leading provider of healthcare technology services and solutions. The Complainant builds applications, deploys enterprise-level software and is a pioneer in healthcare analytics in the international market. The Complainant claims that it is a company well-established in the US market and is expanding its business to other countries.

The Complainant claims that the Complainant ever since adopting the Mark CITIUSTECH has continuously, extensively and for a long period of time and has met with tremendous sales for its products and services under the Mark. The Complainant also spends a substantial amount towards marketing and advertisement and that consumers around the world exclusively associate the Mark CITIUSTECH with the Complainant's

business. The degree of recognition and association of the word “Citius/CitiusTech” with the Complainant is evidenced by the fact that prominent search engines on the Internet all yield links to the Complainant.

The Complainant is the owner of the domain name <citius.tech>. This portal provides information about the Complainant and details of their widespread presence. The website, which became active in 2005, prominently features CITIUSTECH name and Mark and is accessible to people from all around the world. The Complainant owns the domain name <citius.tech> and its rights in its marks have been recognized in various legal proceedings recognizing the rights of the complainant in the Mark CITIUSTECH. The Complainant has also been successful in various UDRP proceedings against domain names identical to or deceptively similar to registered trademark of the Complainant namely CITIUSTECH.

The disputed domain name is identical or confusingly similar to the trademarks in which the Complainant has rights.

- The Complainant contends that the disputed domain name is almost identical to the Complainant’s prior, invented and well-known Mark and trade name ‘CITIUSTECH’ and has incorporated the Mark CITIUSTECH in its entirety. The Respondent has merely added the word ‘-india’ to the Complainant’s trademark CITIUSTECH. The addition of the word ‘-india’ is immaterial and does not differentiate the disputed domain name from the Complainant’s Mark since the CITIUSTECH and CITIUSTECH-INDIA appear deceptively similar. Moreover, the Complainant’s head office is in India, it would be led into believing that “Citius.tech-india” is the Complainant itself.
- The Complainant further contends that the Google search for the disputed domain name <citius.tech-india>, shows only information related to the Complainant. This clearly indicates a high likelihood of confusion and deception between disputed domain and the Complainant’s Mark.
- The Complainant contends that it is the owner of the CITIUSTECH trademark . There is a high likelihood of confusion and deception between disputed domain name and the Complainant’s Mark since the public would mistakenly assume that the Respondent’s services originate from the same source as, or are associated with, the services of the Complainant.

The Respondent has no rights or legitimate interests in the disputed domain name.

- The Complainant contends that the Respondent does not have any prior or legitimate right in the disputed domain name. The Respondent has not been licensed or authorized either to use the Complainant’s Mark or to apply for the registration of a domain name including or deriving from it.
- The Complainant also contends that the Respondent is in no way related to the Complainant nor is commonly known or doing business under the disputed domain name. The disputed domain name does not host a functional webpage.
- The Complainant further contends that the Respondent is not making a bona fide offering of goods or services. The Respondent is not commonly known as or identified by <citius.tech-india.com>. The Respondent neither operates a business nor any other organization under the disputed domain name.
- The Complainant contends that where the Respondent is neither a licensee of the Complainants, nor has it otherwise obtained authorization of any kind whatsoever to use the Complainants’ mark, the Respondent’s lack of rights or legitimate interest is strongly indicated. In support of its submissions, the Complainant has referred to and relied upon the decision *Six Continents Hotels, Inc. v. Patrick Ory*, WIPO Case No. [D2003-0098](#).

Bad faith registration and use of the disputed domain name by the Respondent.

- The Complainant contends that the Respondent has registered a domain name which is almost identical to the Complainant’s trademark only with the purpose of conducting fraudulent activities by impersonating the Complainant. The primary purpose of registering and using the disputed domain name is to encash upon the goodwill and reputation of the Complainant’s mark.
- The Complainant also contends that the disputed domain name is being used by the Respondent for commercial gain by conducting illegal fraudulent activities. The Respondent has used the disputed domain name to create an email address “[...]@citius.techindia.com” associated to the disputed domain name as part

of a fraudulent emails scheme. It has been brought to the attention of the Complainant by an individual who received an email from the email address "[...].@citiustechindia.com" wherein the Respondent represented himself to be the Human Resources of the Complainant company. The Respondent approached unwary individuals impersonating the Human Resources of the Complainant company and soliciting them to sign up for professional certification courses. Therefore, the Respondent is duping individuals and is likely illegally profiting from such fraudulent activities.

- The Complainant contends that the Respondent's identity has been hidden by them behind a privacy service which prima facie indicates bad faith on the Respondent's part. The Respondent has hidden his ownership by resorting to use of the privacy service including concealment of contact information.

- The Complainant contends that even the address submitted by the Respondent to the Registrar is incorrect. The organization name provided by the registrant is 'Citius Tesch' which is a misspelling of the Complainant's organization name "CitiusTech". Further the address provided by the registrant corresponds to one of the subordinate offices of the Complainant. The Respondent's actions are nothing more than an attempt to profit from the illegal use of the disputed domain name by showing association with the Complainant and amounts to bad faith registration and use under the Policy.

B. Respondent

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

6. Discussion and Findings

For this Complaint to succeed in relation to the disputed domain name, the Complainant is required to prove that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the 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 test (or the threshold test) for determining confusing similarity involves a reasoned but relatively straightforward comparison between the Complainants' 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 established its rights in the Mark CITIUSTECH, both by virtue of its many trademark registrations and as a result of the goodwill and reputation acquired through its use of the trademarks over many years.

The entirety of the Mark CITIUSTECH is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Mark CITIUSTECH for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The Panel finds the first element of the Policy has been established.

The Respondent has incorporated the word "-india" in the disputed domain name, but the Panel finds that this does not prevent a finding of confusing similarity between the disputed domain name and the Mark CITIUSTECH. [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 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 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 Complainant has made out a prima facie case that the Respondent does not have any rights or legitimate interests in respect of the disputed domain name. The Panel observes that the Respondent is in no way related to the Complainant or its business activities. The Respondent is neither an agent of the Complainant, nor does he carry out activities for the Complainant. There is also no evidence that the Respondent is commonly known by the disputed domain name. The CITIUSTECH trademarks, indisputably vests in the Complainant as evidenced by various statutory registrations, secured by the Complainant and its continuous use from the year 2005 onwards.

The Panel finds that by incorporating the entire trademark of the Complainant in the disputed domain name plus the term “india”, it suggests impersonation and suggests sponsorship or endorsement by the Complainant and misleading the Internet users by such fraudulent conduct. [WIPO Overview 3.0](#), section 2.5.1.

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 name. The Respondent has not rebutted the Complainant’s contentions and has not submitted any response or 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 the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the 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.

The Panel observes that there is virtually no possibility that the Respondent was unaware of the Complainant’s trademark, its existence or presence in the market. In the present case, the Panel notes that the Respondent has registered and used the disputed domain name to deceive Internet users into believing that the disputed domain name is operated or authorized by the Complainant, and to attract Internet users by creating a likelihood of confusion with the CITIUSTECH trademarks for commercial gain. Accordingly, the Respondent has registered and used the disputed domain name in bad faith to deceive the public and ride off the Complainant’s goodwill and reputation.

Furthermore, panels have held that the use of a domain name for illegal activity here, claimed as phishing, and impersonation/passing off, or other types of fraud constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. The fact that the disputed domain name no longer resolves to an active website does not prevent a finding of bad faith. [WIPO Overview 3.0](#), section 3.3.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith 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 name <citiustech-india.com> be transferred to the Complainant.

/Maninder Singh/

Maninder Singh

Sole Panelist

Date: March 10, 2025