

ADMINISTRATIVE PANEL DECISION

CVS Pharmacy, Inc. (“CVS”) v. John Deecon, TrafficDomains INC.
Case No. D2025-0282

1. The Parties

The Complainant is CVS Pharmacy, Inc. (“CVS”), United States of America (“United States”), represented by The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC, United States.

The Respondent is John Deecon, TrafficDomains INC., Poland.

2. The Domain Names and Registrar

The disputed domain names <colleaguezonecvs.org> and <colleaguezonecvs.today> are registered with Web Commerce Communications Limited dba WebNic.cc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 24, 2025. On January 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On January 26, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to the Complainant on January 29, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint.

The Center verified that 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 the Respondent of the Complaint, and the proceedings commenced on January 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 18, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 21, 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

The Complainant CVS (“Consumer Value Store”) Pharmacy, Inc., is the principal operating company of CVS Health Corporation (“CVS Health”). CVS Pharmacy, Inc., is a direct, wholly owned subsidiary of CVS Health and holds many assets directly, including the CVS Trademark and the domain names containing the CVS Trademark.

The Complainant is the owner of hundreds of trademark registrations in dozens of countries or jurisdictions worldwide for marks that consist of or contain “CVS”. These include United Kingdom Trademark No. UK00801407319 registered on November 16, 2018, United States Trademark Registration No. 5101942 registered on December 13, 2016, and Indian Trademark Registration No. 3325498 registered on August 2, 2016.

The Complainant is the registrant of and uses the domain names <cv.com>, created on January 30, 1996, and <cvsh.com>, created on April 15, 2005. The Complainant operates a website known as “www.colleaguezone.cv.com” that is an internal portal for the Complainant’s employees to submit tickets to the help desk, look up pay slips, view benefits, etc. It also links to other employee portals such as Workday, a human resources and finance platform.

The Respondent registered the disputed domain names <colleaguezonecv.org> on December 25, 2024 and <colleaguezonecv.today> on January 20, 2025.

5. Parties’ Contentions

A. Complainant

The Complainant claims to be a premier health innovation company in the United States. The Complainant is the principal operating company of CVS Health Corporation, which is a publicly traded corporation that ranks as number 6 on the “Fortune 500” list of the largest corporations in the United States and number 10 on the “Fortune Global 500” list of the largest companies in the world by revenue.

The Complainant is the owner of various trademark registrations containing the acronym ‘CVS’ all across the globe. The Complainant claims to have used the acronym CVS for the first time on May 9, 1963, which was registered in the United States, with the Registration No. 919941 on September 7, 1971. The Complaint also states that Complainant operates a website known as “www.colleaguezone.cv.com”.

The disputed domain names <colleaguezonecv.org> and <colleaguezonecv.today> are identical or confusingly similar to the trademarks in which the Complainant has rights:

- The Complainant contends that these Disputed Domain Names are confusingly similar to Complainant’s CVS Trademark. Each of the Disputed Domain Names contains, in its entirety, the CVS Trademark. The Complainant further contends that incorporating of a trademark in entirety in a domain name is sufficient in establishing confusing similarity. The Complainant places reliance on WIPO decision in *Ok Data Americas, Inc. v. Asdinc.com*, WIPO Case No. [D2001-0903](#).
- The Complainant contends that the relevant comparison to be made is with the second-level portion of the Disputed Domain Names only (i.e., “colleaguezonecv”), as the top-level domain names (i.e., “.org” and “.today”) may be disregarded for this purpose.

- The Complainant further contends that use of the descriptive words “colleague” and “zone” (which, Complainant uses in its own URL for an internal website at “www.colleaguezone.cvs.com”) in the Disputed Domain Names does nothing to alleviate confusing similarity, because 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 Respondent has no rights or legitimate interests in the disputed domain names:

- It is the Complainant’s contention that the Respondent has no rights / legitimate interest in the disputed domain names. Complainant has never assigned, granted, licensed, sold, transferred or in any way authorized the Respondent to register or use the CVS Trademark in any manner.
- Complainant contends that the Respondent has failed to use the Disputed Domain Names in connection with active websites. The Respondent has not used the Disputed Domain Names in connection with a bona fide offering of goods or services and, therefore, cannot establish rights or legitimate interests pursuant to paragraph 4(c)(i) of the Policy.
- The Complainant further contends that by previously using the Disputed Domain Name <colleaguezonecvs.today> in connection with a website that falsely appeared to be a website for, or otherwise associated with, Complainant – by including the CVS Logo and a fraudulent “Enterprise Login” that copied the same login screen as on Complainant’s “Colleague Zone” website, the Respondent clearly has not used the Disputed Domain Names in connection with a bona fide offering of goods or services.
- Complainant contends that to Complainant’s knowledge, Respondent has never been commonly known by the Disputed Domain Names and has never acquired any trademark or service mark rights in the Disputed Domain Names.

Bad faith registration and use of the disputed domain names by the Respondent:

- The Complainant contends that the Disputed Domain Names should be considered as having been registered and used in bad faith by the Respondent. Complainant, while referring to [WIPO Overview 3.0](#), section 3.1.4, contends that mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. Complainant contends that the CVS trademark is clearly famous and/or widely known, as it is protected by hundreds of trademark registrations in dozens of jurisdictions worldwide.
- Complainant contends that the Disputed Domain Names are so obviously connected with the Complainant that the Respondent’s actions suggest opportunistic bad faith in violation of the Policy. The Complainant in this regard, relies upon decision of the Centre in *Research In Motion Limited v. Dustin Picov*, WIPO Case No. [D2001-0492](#).
- The Complainant, while referring to [WIPO Overview 3.0](#), section 3.3, has contended that although the Disputed Domain Names are not currently associated with active websites, bad faith also exists under the well-established doctrine of passive holding, as decided by Center in *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#).
- The Complainant further contends that Respondent has used the Complainant’s CVS Logo on the disputed domain name <colleaguezonecvs.today>. This has increased the likelihood of confusion between its website and Complainant. The Complainant has relied upon the Center’s decision in *Clearwire Communications LLC v. Yvan Edwards*, WIPO Case No. [D2010-1440](#).
- The Complainant also contends that Respondent has lost at least two previous proceedings under the policy, as under:

(i) *AutoZone IP LLC v. Danial Corwayl / Register LLC TrafficDomains*, Forum Claim No. 2117399 (transfer of www.autoozon.pro); and

(ii) *AOL LLC v. Traffic Domains*, Forum Claim No. 01291607 (transfer of www.mapquest.com).

This demonstrates that Respondent has acted in bad faith pursuant to paragraph 4(b)(ii) of the Policy, which provides that bad faith is evidenced where a registrant 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 [the registrant has] engaged in a pattern of such conduct”.

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

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 names, the Complainant is required to prove that:

- (i) the disputed domain names are 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 names; and
- (iii) the disputed domain names have been registered and are 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.

In the present complaint, the Complainant has trademark registrations for the word CVS in many jurisdictions all over the world. The Complainant has established its rights in the above trademarks, both by virtue of its many trademark registrations and through continuous use of all the registered trademarks over many years. The Complainant has earned a good name and reputation.

The Complainant has shown rights in respect of the trademark CVS for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds it useful to refer to the decision in the case of *AREVA v. St. James Robyn Limoges*, WIPO Case No. [D2010-1017](#), holding that: “In numerous UDRP decisions, panels have found that the fact that a domain name incorporates a complainant’s registered mark in its entirety is sufficient to establish confusing similarity for the purpose of the first element of paragraph 4(a) of the Policy.”

The Panel finds that the entirety of the mark CVS is reproduced within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here “colleague” and “zone”, may bear on assessment of the second and third elements, the Panel finds the addition of such terms do not prevent a finding of confusing similarity

between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel has also taken note of the fact that the Complainant operates a website at “www.colleaguezone.cvs.com”, which is an internal portal for the Complainant’s employees to submit tickets to the help desk, look up pay slips, view benefits, etc.

The Panel agrees with the Complainant’s contention that the gTLD “.org” and “.today” may be disregarded for the first element confusing similarity test.

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 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 mark CVS is indisputably vested in the Complainant as evidenced by various statutory registrations, secured by the Complainant. Furthermore, the Complainant is the registrant of the domain name <colleaguezone.cvs.com>.

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 names to deceive Internet users into believing that the disputed domain names are operated or authorized by the Complainant, and to attract Internet users by creating a likelihood of confusion with the Complainant’s trademark CVS.

The Panel observes that the Respondent did not register the disputed domain names in a good faith. The Panel finds that the Respondent was fully aware of the Complainant’s trademark and the name and reputation enjoyed by the Complainant.

The Panel notes that the disputed domain name <colleaguezonecvs.org> does not resolve to an active website. Noting the Panel’s findings above, this does not prevent a finding of bad faith use.

The Panel has also gone through Annexure – 12 demonstrating that security vendors have reported that the disputed domain name <colleaguezonecv.org> is used in connection with phishing or spam. The Panel observes that phishing is manifestly considered evidence of bad faith under [WIPO Overview 3.0](#), section 3.1.4.

Furthermore, the Panel notes that the disputed domain name <colleaguezonecv.today> resolved to a login webpage, that included the CVS Logo and “Enterprise Login” that copied the same login screen as on the Complainant’s website, giving the impression that the website was authorized or endorsed by the Complainant.

The Panel finds that the 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 names <colleaguezonecv.org> and <colleaguezonecv.today> be transferred to the Complainant.

/Maninder Singh/

Maninder Singh

Sole Panelist

Date: March 13, 2025