

ADMINISTRATIVE PANEL DECISION

SDG MGMT Company, LLC v. henk tram

Case No. D2025-0307

1. The Parties

The Complainant is SDG MGMT Company, LLC, United States of America ("United States"), represented by Cole-Frieman & Mallon, LLP, United States.

The Respondent is henk tram, United States.

2. The Domain Name and Registrar

The disputed domain name <schweigerdermhrgmtscrgroup.com> (the "Disputed Domain Name") is registered with NameSilo, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 24, 2025. On January 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On January 27, 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 / Domain Administrator, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 28, 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 28, 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 30, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 19, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 20, 2025.

The Center appointed Lynda M. Braun as the sole panelist in this matter on February 21, 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 is a Delaware, United States limited liability corporation that was founded in October 2012 to provide medical and dermatology services to the public. The Complainant maintains various social media accounts that attract thousands of viewers. The Complainant has successfully expanded its footprint from New York City to encompass eight states, with a total of 110 offices in the United States and 380 healthcare providers. Over the past decade, the SCHWEIGER trademark has been associated with medical dermatology services.

The Complainant owns the following registered trademarks through the United States Patent and Trademark Office ("USPTO"): SCHWEIGER,¹ United States Registration No. 7,629,701, registered on December 31, 2024, with a first use in commerce of October 31, 2010, in International Class 44; and SCHWEIGER DERMATOLOGY GROUP, United States Registration No. 7,658,528, registered on January 21, 2025, with a first use in commerce of October 31, 2010, in International Classes 3, 5, and 44. The Complainant also has pending registrations for SCHWEIGER DERMATOLOGY GROUP; United States Serial No. 98,326,611, filed on December 21, 2023, in International Classes 3, 5, and 44; SCHWEIGER HEALTH, United States Serial No. 98,599,064, filed on June 13, 2024, in International Class 44; and SCHWEIGER DERMATOLOGY & ALLERGY, United States Serial No. 98,724,472, filed on August 29, 2024, in International Class 44.

The aforementioned trademarks will hereinafter collectively be referred to as the "SCHWEIGER Mark".

The Complainant has continuously used the marks SCHWEIGER, SCHWEIGER DERMATOLOGY GROUP, and other SCHWEIGER-formative marks in commerce since 2010. The SCHWEIGER Mark has been prominently displayed in connection with medical and dermatology services in social media platforms, and in digital and print media. The Complainant's business also maintains a large referral network; specifically, in 2022, the Complainant's dermatology practice, operating under the SCHWEIGER Mark, received approximately 82,966 patient referrals through a New York City-based referral company for medical or dental care.

The Complainant owns numerous domain names, including <schweigerderm.com>, which was created on May 1, 2010, and which resolves to the Complainant's official website. Between January 1, 2023, and February 24, 2024, over 1.7 million people visited the Complainant's website, where the SCHWEIGER Mark is prominently displayed on the website's home page.

The Disputed Domain Name was registered on January 9, 2025, and it currently resolves to a parking page displaying third party sponsored pay-per-click ("PPC") advertising links.²

In addition, the Respondent configured emails incorporating the Disputed Domain Name to impersonate the Complainant's Human Resources manager. The Respondent, falsely posing as the Complainant's Human Resources manager, tried to obtain sensitive information from unsuspecting job applicants of the Complainant. The Respondent communicated with potential job candidates, discussing fictitious employment opportunities. The Respondent sent the emails to the addresses provided by the potential job

¹ The name in the mark identifies Dr. Eric Schweiger, the founder and CEO of the Complainant, whose consent to register the mark is recorded at the USPTO.

²The Complainant does not refer to the PPC resolving links in the Complaint.

seekers as part of a phishing scheme, using the “[...]@schweigerdermhrgtscrgroup.com” email address. The Respondent also conducted a detailed email “interview” by asking the candidates a series of questions. These included inquiries about handling responsibilities, employment status, teamwork, messaging, event planning, communications, prioritizing multiple projects, and staying updated on industry trends. The applicants were told that their responses would be submitted to the “Hiring Board” for further review, all part of the phishing scheme perpetuated by the Respondent. The above-referenced emails were attached as an Annex to the Complaint.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name. Notably, the Complainant contends that:

- the Disputed Domain Name is confusingly similar to the Complainant’s trademark as it incorporates the of the SCHWEIGER Mark, and then adding the generic Top-Level Domain (“gTLD”) “.com”, which addition does not prevent a finding of confusing similarity;
- the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because the Complainant has not authorized the Respondent to register a domain name containing the SCHWEIGER Mark, the Respondent was not making a bona fide offering of goods or services, and the Respondent has never been commonly known by the SCHWEIGER Mark, or any similar name;
- the Disputed Domain Name was registered and is being used in bad faith because, among other things, and the Respondent used the Disputed Domain Name to configure emails containing fictitious job opportunities as part of a phishing scheme to deceive individuals into believing that the jobs were being offered by the Complainant.

The Complainant seeks the transfer of the Disputed Domain Name from the Respondent to the Complainant in accordance with paragraph 4(i) of the Policy.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy requires that the Complainant prove the following three elements in order to prevail in this proceeding:

- (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 was registered and is being used in bad faith

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires a two-fold inquiry: a threshold investigation into whether a complainant has rights in a trademark, followed by an assessment of whether the disputed domain name is identical or confusingly similar to that trademark. The Panel concludes that in the present case, the Disputed Domain Name is confusingly similar to the SCHWEIGER Mark.

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. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

It is uncontroverted that the Complainant has established rights in the SCHWEIGER Mark based on its years of use, as well as its registered trademarks for the SCHWEIGER Mark in the United States. The consensus view is that registration of a mark is prima facie evidence of validity. The Respondent has not rebutted this presumption, and therefore the Panel finds that the Complainant has rights in the SCHWEIGER Mark.

The Disputed Domain Name consists of the SCHWEIGER Mark in its entirety, followed by terms or abbreviations as follows: "derm" (abbreviation for dermatology), "hrmgt" (abbreviation for human resources manager), "scr" (abbreviation for screening), and "group". The SCHWEIGER Mark and terms or abbreviations are then followed by the gTLD ".com". Where the trademark is recognizable in the Disputed Domain Name, the addition of several terms or abbreviations thereof, such as "derm", "hrmgt", "scr", and "group", does not prevent a finding of confusing similarity. See [WIPO Overview 3.0](#), section 1.8 ("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").

Finally, the addition of a gTLD such as ".com" in a domain name is a technical requirement. Thus, it is well established that such element may typically be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark. See *Proactiva Medio Ambiente, S.A. v. Proactiva*, WIPO Case No. [D2012-0182](#) and [WIPO Overview 3.0](#), section 1.11.1. The Panel concludes that the Disputed Domain Name is confusingly similar to the Complainant's SCHWEIGER Mark.

Based on the available record, the Panel finds that 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 that 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.

In this case, given the facts as set out above, the Panel finds that the Complainant has made out a prima facie case. The Respondent has not submitted any arguments or evidence to rebut the Complainant's prima facie case. Furthermore, the Complainant has not authorized, licensed or otherwise permitted the Respondent to use its SCHWEIGER Mark. Nor does the Complainant have any type of business relationship with the Respondent. There is also no evidence that the Respondent is commonly known by the Disputed Domain Name or by any similar name, nor any evidence that the Respondent was using or making demonstrable preparations to use the Disputed Domain Name in connection with a bona fide offering of goods or services. See Policy, paragraph 4(c).

Further, based on the use made by the Respondent of the Disputed Domain Name to impersonate the Complainant's Human Resources manager and configure emails to perpetuate a phishing scheme does not confer rights or legitimate interests on the Respondent. See [WIPO Overview 3.0](#), section 2.13.1 ("Panels

have categorically held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent.”). See also *CMA CGM v. Diana Smith*, WIPO Case No. [D2015-1774](#) (finding that the respondent had no rights or legitimate interests in the disputed domain name, holding that “such phishing scam cannot be considered a bona fide offering of goods or services nor a legitimate noncommercial or fair use of the Domain Name”). The Respondent configured emails from the Disputed Domain Name to impersonate the Complainant and send those emails with fictitious employment opportunities to unsuspecting job applicants in an attempt to obtain the jobseekers’ sensitive information. Such use cannot conceivably constitute a bona fide offering of a service within the meaning of paragraph 4(c)(i) of the Policy. The Panel therefore concludes that nothing on the record before it would support a finding that the Respondent is making a legitimate noncommercial or fair use of the Disputed Domain Name.

Based on the available record, the Panel finds that 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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith. The Panel finds that based on the record, the Complainant has demonstrated the existence of the Respondent’s bad faith registration and use of the Disputed Domain, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

First, based on the circumstances here, the Panel concludes that the Respondent’s registration and use of the Disputed Domain Name had been done for the specific purpose of trading on the name and reputation of the Complainant and its SCHWEIGER Mark. See *Madonna Ciccone, p/k/a Madonna v. Dan Parisi and “Madonna.com”*, WIPO Case No. [D2000-0847](#) (“[t]he only plausible explanation for Respondent’s actions appears to be an intentional effort to trade upon the fame of Complainant’s name and mark for commercial gain”).

Second, panels have held that the use of a domain name for illegal activity constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds that the Respondent’s registration and use of the Disputed Domain Name constitutes bad faith under the Policy due to the Respondent’s reported use of an email phishing scheme in which the Respondent sent fraudulent emails to individuals seeking jobs with the Complainant’s company. See [WIPO Overview 3.0](#), section 3.1.4 (use of a domain name for per se illegitimate activity such as phishing or impersonation/passing off is considered evidence of bad faith). See also *Stichting BDO v. Contact Privacy Inc. Customer 7151571251/gregory Motto*, WIPO Case No. [D2022-2023](#) (finding the phishing scheme and use of an email address incorporating the disputed domain name to fraudulently obtain payment of invoices to be evidence of bad faith pursuant to paragraph 4(b)(iv) of the Policy for intentionally misleading and confusing the users into believing that the Respondent was associated and/or affiliated with the Complainant).

Further, as noted above, the Disputed Domain Name currently resolves to a parking page displaying PPC links to various third-party sponsored services. The Panel infers that the Respondent is seeking to generate click-through revenue from Internet users drawn to the Respondent’s web page due to a perceived association between the Disputed Domain Name and the Complainant’s Mark. Such conduct, where the Respondent is seeking to unfairly capitalize on the goodwill associated with the Complainant’s trademark, indicates the Respondent’s attempt to attract, for commercial gain, Internet users to the website by creating a likelihood of confusion with the Complainant’s trademarks and falls under paragraph 4(b)(iv) of the Policy.

Based on the available record, the Panel finds that the third element of the Policy has been established.

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 <schweigerdermhrgtscrgroup.com> be transferred to the Complainant.

/Lynda M. Braun/

Lynda M. Braun

Sole Panelist

Date: February 27, 2025