

ADMINISTRATIVE PANEL DECISION

Medical University of South Carolina v. Idah Idah
Case No. D2025-0792

1. The Parties

The Complainant is Medical University of South Carolina, United States of America (“U.S.”), represented by Nelson Mullins Riley & Scarborough LLP, U.S.

The Respondent is Idah Idah, Indonesia.

2. The Domain Name and Registrar

The disputed domain name <muscheathh.com> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 26, 2025. On February 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 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, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 27, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant informed the Center on March 26, 2025, that it did not receive the Center’s email communications due to a technical issue and submitted an amendment to the Complaint, regarding registrant details, at that time.

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 March 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 3, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 4, 2025.

The Center appointed Tobias Malte Müller as the sole panelist in this matter on April 11, 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

It results from the Complainant's documented allegation that it is one of the largest healthcare systems in the U.S. state of South Carolina which has been serving the citizens of South Carolina in the fields of research, healthcare, and education since 1824.

The Complaint is based amongst others on U.S. trademark registration for MUSC HEALTH, registered on April 16, 2024, with number 7358839 and first use on October 31, 2007, and covering specific health care services in class 44.

Complainant operates its main healthcare-focused website at <muschealth.org> and has owned this domain name since November 24, 1988.

Respondent registered the disputed domain name on February 9, 2025. To the best of Complainant's knowledge, the disputed domain name has never resolved to an active website. However, MX records have been set up for the disputed domain name.

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,

- (1) The disputed domain name is confusingly similar to the MUSC HEALTH trademark in which the Complainant has valid and prior existing trademark rights. In fact, the disputed domain name incorporates the MUSC HEALTH trademark but misspells the word "health" by inverting the letters "l" and "t";
- (2) The Respondent has not used the disputed domain name in connection with a bona fide offering of goods or services, there is no suggestion that the Respondent has ever been known by the disputed domain name, nor is there any evidence that the Respondent has used or made demonstrable preparations to use the disputed domain name in connection with a legitimate noncommercial use. In particular, the Complainant has not authorized the Respondent to use the MUSC HEALTH mark or a typographical error thereof. The Respondent is also not a licensee of the MUSC HEALTH mark;
- (3) It is more likely than not that the Respondent's passive holding of the disputed domain name is bad faith registration and use of the disputed domain name. In particular, the Complainant's MUSC trademark is highly distinctive and has been in use for almost twenty years. "Musc" has no meaning and is associated uniquely with the Complainant's healthcare services. As such, there is no explanation for or legitimate interest in or rights to justify the Respondent's choice to register the disputed domain name other than to trade off the goodwill and reputation of the Complainant's mark.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to “decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

Paragraph 4(a) of the Policy requires the Complainant to prove each of the following three elements in order to obtain an order that the disputed domain name should be transferred or cancelled:

- (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.

The Panel is satisfied that the registrant of record for the disputed domain name is the Respondent and will therefore proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied.

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.

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

Additionally, the Panel observes that the disputed domain name incorporates the MUSC HEALTH mark with the letters “l” and “t” simply inverted. This inversion is a common type of typographical error. The domain name retains sufficiently recognizable aspects of the original mark to be easily recognizable. As a result, the Panel concludes that the disputed domain name constitutes an obvious or intentional misspelling of the trademark, making it confusingly similar to the relevant mark in relation to the first element, [WIPO Overview 3.0](#), section 1.9.

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.

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 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.

No content is displayed on the website to which the disputed domain name resolves. Such use can neither be considered a bona fide offering of goods or services nor a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue in the sense of paragraph 4(c)(i) and (iii) of the Policy (see, e.g., *Boehringer Ingelheim Pharma GmbH & Co.Kg v. Mrs. Toy Rösler*, WIPO Case No. [D2022-1094](#)). In addition, the disputed domain name consists of the Complainant's trademark MUSC HEALTH almost identically, so that this Panel finds it most likely that the Respondent selected the disputed domain name with the intention to take advantage of the Complainant's registered trademark by registering a domain name consisting of a misleading typo-variation of said trademark, thus misleading Internet users.

Finally, the Panel does not dispose of any elements that could lead the Panel to the conclusion that the Respondent is commonly known by the disputed domain name or that it has acquired trademark rights pursuant to paragraph 4(c)(ii) of the Policy.

It is acknowledged that once the Panel finds such prima facie case is made, the burden of production shifts to the Respondent to come forward with appropriate allegations or evidence demonstrating rights or legitimate interests in the disputed domain name. Since the Respondent in the case at hand failed to come forward with any allegations or evidence in this regard, this Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

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.

In the present case, the Panel notes that the Respondent does not actively use the disputed domain name. With comparative reference to the circumstances set out in paragraph 4(b) of the UDRP deemed to establish bad faith registration and use, prior UDRP panels have found that the apparent lack of active use (e.g., to resolve to a website) of the domain name without any active attempt to sell or to contact the trademark holder (passive holding), does not as such prevent a finding of bad faith under the doctrine of passive holding (see, e.g., *Boehringer Ingelheim Pharma GmbH & Co.Kg v. Mrs. Toy Rösler*, WIPO Case No. [D2022-1094](#) with further references). The Panel must therefore examine all the circumstances of the case to determine whether the Respondent is acting in bad faith. Factors that have been considered relevant in applying the passive holding doctrine include, see [WIPO Overview 3.0](#), section 3.3:

- (i) the degree of distinctiveness or reputation of the complainant's mark;
- (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use;
- (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement); and
- (iv) the implausibility of any good faith use to which the domain name may be put.

In the case at hand, the Panel finds that the circumstances listed hereinafter and surrounding the registration

suggest that the Respondent was aware that he has no rights or legitimate interests in the disputed domain name, and that the disputed domain name has been registered and is being used in bad faith:

(i) the fact that the disputed domain name, incorporating an obvious typo of the Complainant's mark, has been connected to active MX records so that Respondent could be engaged in a phishing scheme;

(ii) the Respondent's failure to respond to this Complaint;

(iii) the Respondent hiding its identity behind a privacy shield;

(iv) the intrinsic distinctiveness of the trademark MUSC HEALTH which has been used for decades; and

(v) the trademark MUSC HEALTH being almost identically incorporated in the disputed domain name.

In addition, due to these circumstances this Panel concludes that the Respondent knew or should have known the trademark MUSC HEALTH when it registered the disputed domain name, and that there is no plausible legitimate active use that the Respondent could make of the disputed domain name.

In the light of the above, 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 name <muscheatlh.com> be transferred to the Complainant.

/Tobias Malte Müller/

Tobias Malte Müller

Sole Panelist

Date: April 25, 2025