

ADMINISTRATIVE PANEL DECISION

Fresenius Medical Care Holdings, Inc. v. Doug Harrache, Incarp LLC and George Civil
Case No. D2025-1361

1. The Parties

The Complainant is Fresenius Medical Care Holdings, Inc., United States of America ("United States"), represented by Cantor Colburn LLP, United States.

The Respondents are Doug Harrache, Incarp LLC, United States, and George Civil, United States.

2. The Domain Names and Registrars

The disputed domain names <freseniusmedicalcare.com> and <freseniusmedcalcare.com> are registered, respectively, with Hostinger Operations, UAB, and NameCheap, Inc. (collectively the "Registrars").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 3, 2025. On April 4, 2025, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On April 4, 2025, NameCheap, Inc transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (REDACTED FOR PRIVACY, privacy service) and contact information in the Complaint.

The Center sent an email communication to the Complainant on April 8, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on April 11, 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 Respondents of the Complaint, and the proceedings commenced on April 16, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 6, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on May 9, 2025.

The Center appointed William F. Hamilton as the sole panelist in this matter on May 15, 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 provides products and services for chronic kidney failure. The Complainant provides healthcare services to over 349,000 patients in its global network of more than 4,000 dialysis clinics. The Complainant also operates over forty production sites in more than twenty countries, to provide dialysis products such as dialysis machines, dialyzers, and related disposables.

The Complainant holds the following United States trademarks consisting of or comprising FRESENIUS MEDICAL CARE trademark (the "Mark"):

- Trademark Reg. No. 4374671, registered on July 30, 2013,
- Trademark Reg. No. 4868983, registered on December 15, 2015, and
- Trademark Reg. No. 2302398, registered on December 21, 1999.

The Complainant manufactures, distributes, sells, and offers its dialysis products and services for sale throughout the United States and globally under the Mark.

The Complainant owns and uses the domain name <freseniusmedicalcare.com>. This domain name was registered on March 21, 2000.

The disputed domain names were registered on January 27, 2025. They do not resolve to a website and have been configured to send phishing emails to the Complainant's customers. See Annex 07 of 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 names.

Notably, the Complainant contends that the disputed domain names are confusingly similar to the Mark. The Complainant alleges that the Respondents have no rights or legitimate interests in the disputed domain names. The Complainant asserts that the Respondents' bad faith is demonstrated by the Respondents' obvious knowledge of the Mark and the use of the disputed domain name <freseniusmedicalcare.com> to send fraudulent billing emails to the Complainant's customers.

B. Respondents

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

6. Discussion and Findings

Consolidation

The Complainant requests consolidation of the disputed domain names into a single proceeding.

The Complainant alleges that the disputed domain names were used in a scheme to defraud its customers. In support of this claim, the Complainant points out that both disputed domain names were registered on the same day and are composed similarly by transposing two letters in the Mark. Additionally, fraudulent billing emails utilizing the disputed domain name <fresenuismecalcare.com> were sent to the Complainant's customers on the same day the disputed domain names were registered.

The Panel finds that consolidation would be fair and equitable to all parties and enhance procedural efficiency. It also finds that consolidation will not prejudice the Respondents. The Panel notes that the Respondents have not objected to consolidation.

The Panel finds that, on the evidence presented, the Respondents are the same entity or under the control of a common entity and that the consolidation of the disputed domain names in this single proceeding is appropriate.

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 to the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds that the Mark is recognizable within the disputed domain names. The transposition of two adjacent letters in each of the disputed domain names is a classic example of typosquatting.

The disputed domain names are thus confusingly similar to the Mark for the purposes of the Policy. [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 Respondents lack rights or legitimate interests in the disputed domain names. The Respondents have not rebutted the Complainant's prima facie showing and have not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names, such as those enumerated in the Policy or otherwise.

Moreover, Panels have held that using a disputed domain name to send fraudulent emails, as is the case here, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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

C. Registered and Used in Bad Faith

The Panel notes that, for 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, 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.

The disputed domain names do not resolve to active websites. Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. After reviewing the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark and the composition of the disputed domain names, and finds that, in the circumstances of this case, the passive holding of the disputed domain names does not prevent a finding of bad faith under the Policy.

Moreover, the disputed domain name <fresenuismedcalcare.com> has been configured to allow the Respondents to send fraudulent billing emails with addresses that bear a confusing similarity to the Mark to the Complainant's customers. Panels have held that using a domain name to perpetrate fraud constitutes bad faith registration and use. [WIPO Overview 3.0](#), section 3.4.

Having reviewed the record, the Panel finds the Respondents' registration and use of the disputed domain names constitutes bad faith under the Policy.

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 <freseniusmedicalcare.com> and <fresenuismedcalcare.com> be transferred to the Complainant.

/William F. Hamilton/

William F. Hamilton

Sole Panelist

Date: May 18, 2025