

ADMINISTRATIVE PANEL DECISION

The Vanderbilt University and Vanderbilt University Medical Center (VUMC)
v. John Lang, HORIZON IT CARE
Case No. D2025-1666

1. The Parties

The Complainants are The Vanderbilt University, United States of America (“United States”), and Vanderbilt University Medical Center (VUMC), United States, represented by Bass, Berry & Sims PLC, United States.

The Respondent is John Lang, HORIZON IT CARE, United States.

2. The Domain Name and Registrar

The disputed domain name <vumco.org> (the “Disputed Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 24, 2025. On April 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On April 25, 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 (Unknown Registrant) and contact information in the Complaint. The Center sent an email communication to the Complainants on May 6, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed a first amended Complaint on May 12, 2025 and a second amended Complaint on May 13, 2025.

The Center verified that the Complaint together with the first amended Complaints and second 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 May 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 3, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 5, 2025.

The Center appointed Lynda M. Braun as the sole panelist in this matter on June 19, 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

A Tennessee, United States non-profit corporation, the Complainant The Vanderbilt University (“Vanderbilt”) is the owner of the trademarks in this administrative proceeding, and the Complainant Vanderbilt University Medical Center (“VUMC”) is an authorized licensee for those trademarks. VUMC has obtained express consent from Vanderbilt to enforce the trademarks in this proceeding. VUMC is one of the largest prominent academic medical centers in the United States and a leading teaching hospital with over 200 clinics across the Southeast, United States, including healthcare for adults and children. VUMC has provided comprehensive care to patients with over 3.2 million patient visits, 79,000 surgeries, 78,000 hospital discharges, 5,000 Lifeflight air transports, 204,000 emergency department visits and the Southeast region’s Level 1 Trauma Center and Burn Center. As a prominent and leading academic medical provider, VUMC has become widely known and respected in the United States for providing the highest level of care. The Complainant Vanderbilt and the Complainant VUMC will hereinafter collectively be referred to as the “Complainant”.

The Complainant owns numerous United States trademarks through the United State Patent and Trademark Office (“USPTO”), including, but not limited to: VANDERBILT UNIVERSITY MEDICAL CENTER, United States Registration No. 4,898,765, registered February 9, 2016, with a first use in commerce of 1894, in International Class 44; VUMC, United States Registration No. 5,062,939, registered on October 18, 2016, with a first use in commerce of 1980, in Internation Class 44; and VANDERBILT, United States Registration No. 5,073,167, registered on November 1, 2016, with a first use in commerce of September, 1925, in Internation Class 42 (hereinafter collectively referred to as the “VUMC Mark”).

The Complainant is also the owner of the domain name <vumc.org>, which is confusingly similar to the Disputed Domain Name.

The Disputed Domain Name was registered on April 20, 2024, and at the time of filing of the Complaint, it resolved to a website prominently displaying the Complainant’s trademark, and purportedly offering services identical to those of the Complainant.¹

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 if not identical to the VUMC Marks, and the Respondent’s use of the Disputed Domain Name is likely to confuse vendors, consumers, and patients seeking healthcare services and/or sellers;
- the Complainant has not licensed or otherwise permitted the Respondent to use the VUMC Marks, among other things; and

¹As of the writing of this Decision, however, the Disputed Domain Name resolves to an error landing page stating that the site could not be reached.

- The Respondent registered and used the Disputed Domain Name in bad faith since it had prior knowledge of the Complainant's widely known VUMC Mark, which had been in use for over 130 years prior to the Respondent's recent registration of the Disputed Domain Name. In addition, the Complainant claims that the Respondent has set up an email account using the Disputed Domain Name an effort to impersonate the Complainant and deceive venders into sending goods that the Respondent intended to intercept, although the Complainant does not submit evidence of such claim.

B. Respondent

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

6. Discussion and Findings

In order for the Complainant to prevail and have the Disputed Domain Name transferred to the Complainant, the Complainant must prove the following (Policy, paragraph 4(a)):

- (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 VUMC Mark as explained below.

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 VUMC Mark based on its decades of use as well as its registered trademark for the VUMC Mark in the United States. Thus, the Complainant has shown rights in the VUMC Mark for purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds Complainant's VUMC mark is recognizable within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

As stated in section 1.8 of [WIPO Overview 3.0](#), "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 Panel finds that the addition of a letter "o" does not prevent a finding of confusing similarity.

Finally, the addition of a generic Top-Level Domain such as ".org" in a domain name is a technical requirement. As such, it is well established that a gTLD may typically be disregarded when assessing whether a disputed 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. Thus, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant's VUMC 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 a 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. See [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.

The Panel finds that the Complainant has not authorized, licensed or otherwise permitted the Respondent to use its VUMC Mark, that the Complainant does not have any type of business relationship with the Respondent, that there is no evidence that the Respondent is commonly known by the Disputed Domain Name or by any similar name, and that there is no evidence that the Respondent was making demonstrable preparations to use the Disputed Domain Name.

The Disputed Domain Name resolved to a website prominently displaying the Complainant’s trademark, and purportedly offering services identical to those of the Complainant. The Respondent’s website looks almost identical to the Complainant’s website at “www.vumc.org”. The Respondent’s use of the Disputed Domain Name is likely to confuse vendors, consumers, and patients seeking healthcare services and/or sellers that would sell goods to the Complainant, and gives the Respondent the advantage of the Complainant’s long-established excellent reputation in this field.

Further, the use of the Disputed Domain Name to impersonate the Complainant 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., [...] impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent.”).

In sum, the Panel concludes that the Complainant has established an un rebutted prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name. Rather, the Panel finds that the Respondent is using the Disputed Domain Name for commercial gain with the intent to mislead by potentially defrauding vendors, patients and others. Such use cannot conceivably constitute a bona fide offering of a product or service within the meaning of paragraph 4(c)(i) of the Policy.

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 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 Name pursuant to paragraph 4(a)(iii) of the Policy. 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.

First, the Respondent's use of the Disputed Domain Name that is confusingly similar to the VUMC Mark evidences a clear intent to disrupt the Complainant's business, deceive individuals, and trade off the Complainant's goodwill by creating an unauthorized association between the Respondent and the Complainant's VUMC Mark. See *Banco Bradesco S.A. v. Fernando Camacho Bohm*, WIPO Case No. [D2010-1552](#). Such conduct is emblematic of the Respondent's bad faith registration and use of the Disputed Domain Name. Numerous UDRP panels have found that impersonation schemes that use a complainant's trademark in the disputed domain name are evidence of bad faith.

Second, the registration of a domain name that is confusingly similar to a registered trademark by an entity that has no relationship to that mark may be sufficient evidence of opportunistic bad faith. See *Ebay Inc. v. Wangming*, WIPO Case No. [D2006-1107](#); *Veuve Clicquot Ponsardin, Maison Fondée en 1772 v. The Polygenix Group Co.*, WIPO Case No. [D2000-0163](#) (use of a name connected with such a well-known service and product by someone with no connection to the service and product suggests opportunistic bad faith). Based on the circumstances here, the Respondent registered and used the Disputed Domain Name in bad faith in an attempt to create a likelihood of confusion with the Complainant's VUMC Mark.

Third, the Panel finds that the Respondent must have had actual knowledge of the Complainant's VUMC Mark and targeted the Complainant when it registered the Disputed Domain Name, demonstrating the Respondent's bad faith. Based on the Respondent's confusingly similar Disputed Domain Name to the Complainant's trademark and domain name, it strains credulity to believe that the Respondent had not known of the Complainant or its VUMC Mark when registering the Disputed Domain Name. The Respondent's awareness of the Complainant and its VUMC Mark additionally suggests that the Respondent's decision to register the Disputed Domain Name was intended to cause confusion with the Complainant's VUMC Mark and to disrupt the Complainant's business. Such conduct indicates that the Respondent registered the Disputed Domain Name in bad faith.

Accordingly, the third element of paragraph 4(a) of the Policy has been met by the Complainant.

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 <vumco.org> be transferred to the Complainant.

/Lynda M. Braun/

Lynda M. Braun

Sole Panelist

Date: July 3, 2025