

## **ADMINISTRATIVE PANEL DECISION**

University of Pittsburgh-Of the Commonwealth System of Higher Education v.  
Robert Lasko

Case No. D2025-1851

### **1. The Parties**

Complainant is University of Pittsburgh-Of the Commonwealth System of Higher Education, United States of America ("United States"), represented by Eckert Seamans Cherin & Mellott LLC, United States.

Respondent is Robert Lasko, United States.

### **2. The Domain Names and Registrar**

The disputed domain names <upmcwashington.com>, <upmcwashington.net> and <upmcwashington.org> are registered with Squarespace Domains II LLC (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 8, 2025. On May 9, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On May 10, 2025, the Registrar 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 (Name Redacted) and contact information in the Complaint. The Center sent an email communication to Complainant on May 12, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on May 17, 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 Respondent of the Complaint, and the proceedings commenced on May 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 9, 2025. The Response was filed with the Center on June 8, 2025. Respondent also sent email communications to the Center on May 12, May 15, May 17, May 19 and June 10, 2025. On June 10, 2025, the Center informed the Parties that it would proceed with Panel Appointment.

The Center appointed Georges Nahitchevansky as the sole panelist in this matter on June 23, 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**

Complainant, University of Pittsburgh-Of the Commonwealth System of Higher Education, is a non-profit organization headquartered in Pittsburgh, Pennsylvania, with an affiliation with the University of Pittsburgh Medical Center and its licensee UPMC Health Systems, a health care provider and insurer. Complainant uses the trade name and mark UPMC in connection with its health care and insurance services and owns a number of trademark registrations for the UPMC mark, and formatives thereof, in the United States. These include, inter alia, registrations for UPMC as a word mark (Nos. 2,174,963 and 4,190,071 which issued to registration on July 21, 1998, and August 14, 2012, respectively) as well various formatives such as by way of example UPMC HEALTHPLANET (No.4,839,287) and UPMC INDIVIDUAL ADVANTAGE (No. 3,897,857). Complainant also owns and uses the domain name <umpc.com> for a website that provides health care services, medical research, and related products and services.

Respondent is an individual who is based in Pennsylvania, United States. Respondent registered all three disputed domain names on July 9, 2023. On August 14, 2023, Respondent incorporated a company in Pennsylvania using the name UPMC Washington. At some point thereafter Respondent redirected the disputed domain names to a website for a competitor of Complainant at <ahn.org>. The redirect subsequently changed, and the disputed domain names then redirected to a YouTube page with music video for a song by the recording artist Rick Astley. Currently, the <upmcwashington.com> disputed domain name redirected to a page within the website of CBS News that features an article concerning Complainant. The <upmcwashington.org> disputed domain name currently redirects to a page within the <propublica.org> website and the <upmcwashington.net> disputed domain name continues to redirect to the YouTube page with the Rick Astley music video.

#### **5. Parties' Contentions**

##### **A. Complainant**

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

Complainant contends that it has strong rights in the UPMC mark as such is widely recognized by consumers and is an arbitrary and distinctive mark for which Complainant has obtained trademark registrations.

Complainant argues that the disputed domain names are identical or confusingly similar to its trademark as they each consist of the clearly identifiable UPMC mark with the non-distinguishing geographical location of Washington (for Washington county in Pennsylvania, a location where Complainant provides its services).

Complainant asserts that Respondent does not have rights or legitimate interests in the disputed domain names as Respondent (i) has no relationship with or permission from Complainant to register and use the disputed domain names, (ii) is not commonly known by the disputed domain names, and (iii) has not made any bona fide use of the disputed domain names or any legitimate non-commercial fair use of the disputed domain names. In that regard, Complainant notes that Respondent has merely used the disputed domain names to redirect to a website of a direct competitor of Complainant and to a YouTube page for a music video by recording artist Rick Astley.

Lastly, Complainant maintains that Respondent has registered and used the disputed domain names in bad faith. Complainant contends that Respondent registered the disputed domain names after announcements had been made in June 2023 of an affiliation agreement between Complainant and a non-profit health system called Washington Health System that is based in Southwestern Pennsylvania. Complainant also notes that Respondent, according to his LinkedIn page, has been employed by Washington Health System for the past six years, making it highly likely that he was aware of the affiliation announcement and impending name change. Complainant also contends that Respondent has used the disputed domain names by redirecting these to a direct competitor of Complainant and now a YouTube page for a video by the recording artist Rick Astley, which, according to Complainant, is a clear attempt to profit or capitalize off of its trademark.

## **B. Respondent**

Respondent rejects Complainant's contentions.

Respondent argues that he registered the disputed domain names for his domestic non-profit corporation which he incorporated on August 14, 2023, and for which he used the fictitious name UPMC Washington. Respondent asserts that his business is a free public art gallery "showcasing the adverse effects of healthcare monopolies and vertical integration of healthcare systems". Respondent further asserts that his intent is to showcase his art and that he does not generate any sales, commissions or profit from his activities.

Respondent maintains that he selected the disputed domain names because he "felt it prudent upon announcement of the merger to showcase art in this form to showcase the effects of mergers (particularly with UPMC) and the effects on the county in which I reside (Washington)".

Respondent explains his rationale for the redirections of the disputed domain names by providing his artistic reasoning. By way of example, Respondent asserts that the redirection of the disputed domain names to the website of a competitor of Complainant at <ahn.org> was as an "artistic demonstration of how a merger can have potential to bring about positive impacts" since employees at a hospital that had been acquired by the competitor in question have had high levels of job satisfaction. Respondent explains the subsequent redirect to the music video for a song by Rick Astley as a "bait-and-switch technique, wherein the party was expecting a certain destination, but was taken to another [which is] similar to promises made by large companies during acquisitions of smaller institutions".

Respondent also provides some information of his artistic background and asserts that he has a "history of utilizing parody in online print publications on a non-profit basis".

Lastly, Respondent argues that his registration and use of the disputed domain is protected free speech and is protected as fair use by United States Copyright laws.

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the disputed domain names; and
- (iii) the disputed domain names were 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 (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"](#)) at section 1.7.

Here, Complainant has shown rights in its UPMC mark for purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. The Panel finds that the disputed domain names are confusingly similar to Complainant's UPMC mark as the disputed domain names fully incorporate the UPMC mark at the head of each disputed domain name. Although the addition of other terms, here the county name "Washington", may bear on the assessment of the second and third elements, the Panel finds the addition of such county name does not prevent a finding of confusing similarity between the disputed domain names and the mark for purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The first element of the Policy has thus been established by Complainant.

## **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy provides a list of circumstances in which 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.

Here, Respondent maintains that he has a legitimate interest in the disputed domain names because he registered the disputed domain names for an alleged non-profit corporation that he incorporated, and which used the fictitious name UPMC Washington. Putting aside the fact that Respondent has provided no evidence supporting his contention that his business is a free public art gallery "showcasing the adverse effects of healthcare monopolies and vertical integration of healthcare systems", or that his alleged corporation has legally obtained a non-profit status, there are serious questions regarding the timing of the formation of Respondent's corporation. Based on the evidence provided, it appears that Respondent started to use the fictitious name UPMC Washington on July 27, 2023, for his corporation that was then formally incorporated on August 14, 2023.

Notably, the use and formation of the UPMC Washington name and company was done shortly after Complainant had publicly announced in June 2023 that UPMC and Washington Health System had entered into an affiliation agreement that would integrate Washington Health System into UPMC. Given that Respondent was employed by Washington Health System, it seems inconceivable that Respondent was not aware of the planned integration of UPMC with Washington Health System when he registered the disputed domain names on July 9, 2023, and thereafter started using the name UPMC Washington for his corporation. In all, Respondent's creation of a corporation using the name UPMC Washington seems to be a post-registration attempt to justify the registration of the three disputed domain names that are clearly based on the UPMC mark with the name Washington, an obvious reference to Washington Health System or to Washington county where Washington Health System is based.

Notably, Respondent does not contend that he was unaware of the affiliation of UPMC and Washington Health System when he registered the disputed domain names, but instead claims that he did so because he “felt it prudent upon announcement of the merger to showcase art in this form to showcase the effects of mergers (particularly with UPMC) and the effects on the county in which I reside (Washington)”. In making that claim to support his registration and use of the disputed domain names, Respondent raises arguments of fair use under the United States Copyright laws as well as claiming that his actions are legitimate as protected free speech. Given that the copyright laws are inapplicable to a UDRP dispute, the Panel construes Respondent's claims as essentially arguing that Respondent is making a fair use of the disputed domain names for purposes of criticism of or commentary regarding Complainant and its activities.

Under Paragraph 4(c)(iii) of the Policy, the use of a domain name for a fair use such as noncommercial free speech can, in principle, support a respondent's claim to a legitimate interest under the Policy. In assessing cases of claimed free expression, panels can consider a variety of factors including whether a disputed domain name is being used to impersonate a complainant or would be perceived as being affiliated with or authorized by a complainant, (i) the genuine, non-commercial nature of the criticism or commentary, (ii) the possible pretextual nature of the respondent's website, (iii) the commercial or noncommercial aspects of the respondent's website, (iv) the nature of the domain name itself potentially including any additional terms or plays on words, (v) the use of disclaimers, and (vi) other factors that could inform whether a respondent is using the disputed domain for bona fide noncommercial criticism concerning a complainant or to take advantage of a complainant's mark in a bad faith or abusive way for the benefit of a respondent. See *Everytown for Gun Safety Action Fund, Inc. v. Contact Privacy Inc. Customer 1249561463 / Steve Coffman*, WIPO Case No. [D2022-0473](#); *Tiffany Chhuom, PLLC d/b/a Ethtech , Tiffany Chhuom , Peter Chhuom v. J S*, WIPO Case No. [D2023-2930](#).

Having reviewed the uses of the disputed domain names made by Respondent along with Respondent's explanations for the redirects, the Panel is of the view that Respondent's assertions are pretextual and that Respondent has more likely than not registered the disputed domain names for the benefit of Respondent, whether financially or otherwise. The disputed domain names, for example, were used by Respondent as a redirect to the website of a direct competitor of Complainant. While Respondent tries to explain that the redirect was an “artistic demonstration of how a merger can have potential to bring about positive impacts”, one would be hard pressed to fathom such commentary from a website that solely promotes the services of another company and which does not concern Complainant whatsoever, or the merger between UPMC and Washington Health System, and which makes no commentary whatsoever relating to health care or insurance company mergers and their purported effects. Moreover, the redirect to a YouTube page containing a music video for a song by the recording artist Rick Astley is bereft of any commentary or criticism that would arguably relate to Complainant or its merger with Washington Health System (nor does the redirect in itself expressly suggest the “bait-and-switch” that Respondent now claims).

In all, Respondent's explanations for the redirect of the disputed domain names ring hollow, particularly as the disputed domain names on their face do not contain anything that would communicate that their purpose is to criticize or comment on Complainant or its activities. If anything, the disputed domain names are likely to be viewed by consumers as being affiliated with Complainant and its services in Washington county in Pennsylvania.

The Panel also notes that Respondent appears to have changed the redirect of two of the disputed domain names after the Complaint was filed. While the redirects of two of the disputed domain names now lead to pages that concern Complainant and its activities, these appear to be an after the fact attempt by Respondent to shore up its claim that the disputed domain names were registered and are being used for free speech purposes. The fact remains that for almost two years Respondent did not use the disputed domain names for his alleged free public art gallery “showcasing the adverse effects of healthcare monopolies and vertical integration of healthcare systems” or to make any obvious commentary regarding Complainant and its activities. Rather, what is before the Panel is that Respondent used the disputed domain names, that are likely to be perceived as being affiliated with or authorized by a complainant, as redirects to the website of a direct competitor of Complainant and then a music video for the song “Never Gonna Give You Up” by Rick Astley, which is about a declaration of unwavering commitment and

loyalty in a romantic relationship. Such actions for almost two years further undermine Respondent's claim that his actions are legitimate.

Given that Complainant has established with sufficient evidence that it owns rights in the UPMC mark, and given Respondent's above noted actions, the Panel concludes that Respondent does not have a right or legitimate interest in the disputed domain names and that none of the circumstances of Paragraph 4(c) of the Policy are evident in this case.

### **C. Registered and Used in Bad Faith**

For similar reasons noted above, Complainant has established that Respondent registered and used the disputed domain names in bad faith. Respondent clearly knew of Complainant and its mark and does not contest otherwise. Respondent registered the disputed domain names shortly after Complainant had announced an affiliation with Washington Health System and was more likely than not aware of the announced affiliation agreement given his employment with Washington Health System.

In all, the registration and use of the disputed domain names was likely done intentionally and opportunistically for Respondent's benefit or to either disrupt Complainant's activities, tarnish Complainant's reputation or to mislead and attract web users to websites of Respondent's choice. Whatever the rationale, the record before the Panel does not support the conclusion that the disputed domain names were registered by Respondent for a free speech purpose. Rather, the fact that Respondent was likely aware of the affiliation between UPMC and Washington Health System when he registered the disputed domain names that are likely to be viewed as connected to Complainant, then later filed for a corporation using the fictitious name UPMC Washington (the claimed activities of which Respondent has not demonstrated), and thereafter used the disputed domain names as a redirect to a competitor of Complainant, and then a YouTube page with a music video, reinforces that Respondent's claims of free speech and fair use are pretextual.

Accordingly, the Panel finds that Complainant succeeds under this 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 <upmcwashington.com>, <upmcwashington.net> and <upmcwashington.org> be transferred to Complainant.

*/Georges Nahichevansky/*

**Georges Nahichevansky**

Sole Panelist

Date: July 9, 2025