

## **ADMINISTRATIVE PANEL DECISION**

Horder Healthcare v. Sam Tier  
Case No. D2025-2983

### **1. The Parties**

The Complainant is Horder Healthcare, United Kingdom ("UK"), represented internally.

The Respondent is Sam Tier, UK.

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

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

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 24, 2025. On July 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 28, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 29, 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 July 30, 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 July 31, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 20, 2025. The Respondent sent email communications to the Center on July 31, August 1, and August 4, 2025.

The Center appointed Ian Lowe as the sole panelist in this matter on August 27, 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 Horder Healthcare, a UK-registered charitable healthcare provider operating since 1954. The Complainant operates The Horder Centre, providing medical services, physiotherapy, and healthcare consultancy services from its facility in Crowborough, East Sussex in the UK.

The Complainant is the proprietor of UK registered trademarks for HORDER, number UK00003133021 registered on January 15, 2016; and HORDER HEALTHCARE, number UK00003135712 registered on 5 February 5, 2016, covering healthcare, medical, and related services. The Complainant also claims substantial common law rights in "The Horder Centre" through continuous use since 1954.

The Complainant operates its official website at "www.horder.co.uk".

The Domain Name was registered on March 25, 2022. The Complainant has provided evidence that the Domain Name redirects users to a website displaying explicit adult content, including sexual products such as sex toys, with a prominent image of such products visible for a considerable period.

The Respondent, Sam Tier, is a former employee of the Complainant who was dismissed on May 31, 2021. The Respondent also registered <thehordercentre.co.uk> on the same date as the Domain Name. That domain name was the subject of a successful complaint under the Nominet UK DRS Policy, resulting in transfer to the Complainant.

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

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

The Complainant contends that the Domain Name is confusingly similar to its HORDER and HORDER HEALTHCARE trademarks, that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered and is using the Domain Name in bad faith.

The Complainant alleges that the Respondent, as a former employee dismissed in May 2021, registered the Domain Name approximately 10 months later with knowledge of the Complainant's trademark rights. The Complainant provides evidence of a WhatsApp message allegedly sent by the Respondent. It claims that the Respondent stated it will sell the domain names back to the Complainant "for a ridiculous price" or offer them to a competing healthcare provider.

The Complainant has provided evidence that the Domain Name redirects to explicit adult content, including sex toys, with a prominent image of such products displayed on the website. This content cannot constitute legitimate or fair use and constitutes clear tarnishment of the Complainant's reputation.

##### **B. Respondent**

The Respondent did not submit a formal Response to the Complaint but sent informal email communications to the Center expressing concern about the proceedings. It offered to give the Domain Name to the Complainant if it confirmed in writing that it would not contact the Respondent again or take action against it.

## 6. Discussion and Findings

For this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is 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](#)"), section 1.7.

The Complainant has shown rights in respect of trademarks for the purposes of the Policy through its registered UK trademarks HORDER and HORDER HEALTHCARE. [WIPO Overview 3.0](#), section 1.2.1.

Ignoring the generic Top-Level Domain ".com", the Domain Name comprises "theordercentre" which incorporates the entirety of the Complainant's HORDER mark with the addition of the article "the" and the term "centre". The Panel finds that these additions do not prevent a finding of confusing similarity between the Domain Name and the mark. [WIPO Overview 3.0](#), section 1.8.

Accordingly, the Panel finds that the Domain Name is confusingly similar to the trademark in which the Complainant has rights, and 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. Accordingly, 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.

The Complainant has made out a prima facie case that the Respondent lacks rights or legitimate interests in the Domain Name. The Respondent is a former employee who was dismissed from the organization and has no authorization to use the Complainant's marks. There is no evidence that the Respondent has been commonly known by the Domain Name or has any trademark rights in the name.

The Complainant has shown that the Domain Name redirects to explicit adult content, including sexual products, which cannot constitute a bona fide offering of goods or services or legitimate noncommercial use. The deliberate redirection of a domain name containing a healthcare provider's trademark to adult content demonstrates malicious intent to tarnish the Complainant's mark and is wholly incompatible with legitimate use under the Policy.

The Respondent has chosen not to respond formally to the Complaint or to provide any evidence of rights or legitimate interests in the Domain Name.

In the circumstances, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the 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.

The circumstances of this case strongly indicate bad faith registration and use. The Respondent is a former employee of the Complainant who was dismissed in May 2021 and registered the Domain Name approximately 10 months later, in March 2022. The timing suggests the registration was motivated by the termination of the Respondent's relationship with the Complainant rather than any legitimate business purpose.

The Complainant has provided evidence of a WhatsApp message allegedly sent by the Respondent stating that it "seemed smart to buy the [Domain Name]". The Complainant further claims that the Respondent expressed an intention to sell the Domain Name back to the Complainant "for a ridiculous price" or to offer it to a competing healthcare provider. The Panel finds, on the balance of probabilities, that such conduct amounts to registration primarily for the purpose of selling the domain name to the Complainant for valuable consideration likely in excess of out-of-pocket costs, falling squarely within paragraph 4(b)(i) of the Policy.

The use of the Domain Name to redirect to explicit adult content targeting a healthcare provider demonstrates intentional tarnishment of the Complainant's mark and reputation and is intended to disrupt its business. Such conduct falls within paragraph 4(b)(iii) of the Policy as use of the domain name to disrupt the Complainant's business, and also within paragraph 4(b)(iv) as attracting Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's mark.

The Panel notes that the Respondent previously registered the domain name <theordercentre.co.uk> on the same date as the Domain Name, which was subject to a successful complaint under the Nominet UK DRS Policy. This pattern of registering multiple domain names incorporating the Complainant's mark supports a finding of bad faith.

Given the Respondent's status as a former employee with clear knowledge of the Complainant's marks, the timing of registration after dismissal, the alleged extortionate intent, and the tarnishing use, the Panel is satisfied that the Domain Name was registered and is being used in bad faith.

Accordingly, the Panel finds that the Domain Name has been registered and is being used in bad faith, and 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 Domain Name <theordercentre.com> be transferred to the Complainant.

*/Ian Lowe/*

**Ian Lowe**

Sole Panelist

Date: September 3, 2025