

ADMINISTRATIVE PANEL DECISION

Allergy Partners, P.L.L.C. v. Wicht Garrick Steven
Case No. D2025-3396

1. The Parties

The Complainant is Allergy Partners, P.L.L.C., United States of America (“United States” or “U.S.”), represented by Nelson Mullins Riley & Scarborough, L.L.P., United States.

The Respondent is Wicht Garrick Steven, United States.

2. The Domain Name and Registrar

The disputed domain name <recruiting-allergypartners.com> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 23, 2025. On August 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 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 (Administrator Domain / See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 26, 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 August 27, 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 September 1, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 21, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 26, 2025.

The Center appointed R. Eric Gaum as the sole panelist in this matter on October 6, 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 a single-specialty care provider for allergy, asthma, and immunologic disorders. The Complainant adopted its ALLERGY PARTNERS trademark at least as early as 1994 and has used the ALLERGY PARTNERS trademark to identify itself and the source of the Complainant's services throughout the United States.

The Complainant applied for and obtained federal trademark registrations in the United States for its ALLERGY PARTNERS trademark and its ALLERGY PARTNERS (with Sunburst) logo for "[m]edical services in the fields of allergy, asthma, and immunology," U.S. Reg. Nos. 4955397 and 4955395.

The disputed domain name <recruiting-allergypartners.com> was registered on August 7, 2025. The disputed domain name has been used for sending fraudulent emails from an address [\[...\].@recruiting-allergypartners.com](mailto:[...]@recruiting-allergypartners.com).

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 the following:

The Complainant adopted its ALLERGY PARTNERS trademark at least as early as 1994 and since then has substantially, exclusively, and continuously, used the ALLERGY PARTNERS trademark to identify itself and the source of the Complainant's services throughout the United States. Moreover, to provide the fullest protection for its reputation and goodwill, the Complainant applied for and obtained federal trademark registrations in the United States for its ALLERGY PARTNERS word mark and its ALLERGY PARTNERS (with Sunburst) logo for "[m]edical services in the fields of allergy, asthma, and immunology," U.S. Registration Numbers. 4955397 and 4955395.

The Respondent registered the disputed domain name on August 7, 2025. The very next day the Respondent began using an email [\[...\].@recruiting-allergypartners.com](mailto:[...]@recruiting-allergypartners.com) and posing as an alleged Human Resources ("HR") representative for the Complainant and began emailing prospective job candidates about a remote billing specialist position. If the Respondent received an affirmative response to the outreach, they would then send the candidate a questionnaire to complete. The end goal of the job candidate scam appears to be to get the unsuspecting candidate to divulge personal financial information under the guise of the Complainant reimbursing the candidate for purchasing supplies required for the alleged job that the candidate was offered.

The Complainant has not authorized the Respondent to use the ALLERGY PARTNERS trademark. The Respondent is not a licensee of the ALLERGY PARTNERS Mark.

B. Respondent

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

6. Discussion and Findings

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.

The entirety of the mark is reproduced 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. Although the addition of other terms, here "recruiting-" may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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.

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 day after Respondent registered the disputed domain, Respondent began using an email address [...]@recruiting-partners.com and posing as an alleged HR representative for the Complainant and began emailing prospective job candidates about a remote billing specialist position. If the Respondent received an affirmative response to the outreach, it would then send the candidate a questionnaire to complete. The end goal of the job candidate scam appears to be to get the unsuspecting candidate to divulge personal financial information under the guise of the Complainant reimbursing the candidate for purchasing supplies required for the alleged job that the candidate was offered.

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. Panels have held that the use of a domain name for illegitimate and illegal activity, here impersonation/passing off, and fraud, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name 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 name <recruiting-allergypartners.com> be transferred to the Complainant.

/R. Eric Gaum/

R. Eric Gaum

Sole Panelist

Date: October 20, 2025