

## **ADMINISTRATIVE PANEL DECISION**

Olivia Hart, DDS, PLLC dba Virginia Biological Dentistry v. Sachin Karande,  
Karande Biological  
Case No. D2025-4805

### **1. The Parties**

Complainant is Olivia Hart, DDS, PLLC dba Virginia Biological Dentistry, United States of America ("United States"), represented by Maciej Bartkowski, United States.

Respondent is Sachin Karande, Karande Biological Dentistry, United States, represented by John Berryhill, Ph.D., Esq., United States.

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

The disputed domain name <viriniabiologicaldentist.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 November 19, 2025. On November 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On November 19, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email to Complainant on November 25, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on November 25, 2025, and an amended Complaint on November 26, 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 November 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 17, 2025. Respondent requested an additional four calendar days to

file a Response. The Response due date was extended to December 21, 2025. The Response was filed with the Center on December 13, 2025.

The Center appointed Robert A. Badgley as the sole panelist in this matter on December 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 operates a dental business in the Commonwealth of Virginia, United States. Respondent also operates a dental business in Virginia, approximately an hour away.

Complainant, Olivia Hart DDS PLLC, alleges that it “owns strong and established common-law trademark rights” in VIRGINIA BIOLOGICAL DENTISTRY “based on exclusive use since July 20, 2022 under an official Fictitious Name Registration with the Commonwealth of Virginia: SCC Filing No. 2207204761336.” In addition, Complainant asserts that its common law trademark rights derive from its ownership of the domain name <virginiabiologicaldentistry.com> since December 20, 2021, as well as “extensive marketing, SEO, clinical educational content, and public presence under the mark.”

The record contains a screenshot of Complainant’s website at the domain name <virginiabiologicaldentistry.com>, but contains no other evidence of Complainant’s use of the alleged mark VIRGINIA BIOLOGICAL DENTISTRY or of the extent to which that alleged mark is known by consumers.

The Domain Name was registered on July 13, 2025. According to the evidence submitted by Complainant, as of November 13, 2025, the Domain Name resolved to a commercial website entitled “Karande Biological Dentistry – Virginia,” which site promoted Respondent’s dental services. According to Complainant:

“Crucially, the website at the disputed domain advertises the very same specialized biological dentistry services as Complainant, including:

- holistic/biological dentistry
- whole-body dentistry
- zirconia/ceramic implants
- metal-free dentistry
- biocompatible materials
- biological philosophies of care”.

Respondent contends that its business is conducted under the name Karande Biological Dentistry PLLC, and that it operates a website at the domain name <karandedental.com>. Respondent states further that it registered the Domain Name for its purely descriptive sense, in order to attract consumers seeking biological dentistry services in Virginia.

According to Complainant, it had a falling out with its website operator, Ekwa Marketing, in mid-2025. Complainant states that the termination of their relationship was “not amicable.” Around that time, Complainant alleges, the Domain Name was registered. Complainant contends that Ekwa Marketing might be behind or somehow involved in Respondent’s registration of the Domain Name. Complainant notes that Respondent’s website bears the legend “Powered by “www.ekwa.com” and that the Domain Name has been associated with Ekwa Marketing name servers. According to Complainant, this “confirms that Ekwa Marketing is the entity actively designing, maintaining, and publishing content on the disputed domain.”

Respondent disputes Complainant’s “Ekwa” theory, asserting (with evidence) that Ekwa Marketing widely targets the dental industry as its client base. Respondent asserts further that its relationship with Ekwa is totally independent of Complainant’s dealings with Ekwa.

## **5. Parties' Contentions**

### **A. Complainant**

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

### **B. Respondent**

Respondent summarizes this dispute as follows:

"It likely comes as no surprise to anyone that the present dispute arises between two biological dentists in Virginia. The only mildly interesting factual inquiry may arise from unfamiliarity with the field of healing arts denoted 'biological dentistry'. As discussed below, this dispute involves an obvious geographically descriptive term, and the Complainant has not proven acquired distinctiveness or substantially exclusive use, even if proceedings under the Policy were appropriate to establish acquired distinctiveness in a phrase directly similar to ones which the United States Patent and Trademark Office has repeatedly deemed unregistrable."

Respondent disputes that Complainant has demonstrated common law trademark rights in VIRGINIA BIOLOGICAL DENTISTRY. Respondent quotes as follows from a Wikipedia article describing "biological dentistry" as a term referring to "the dental realm of what is commonly known as holistic health care." Respondent also quotes from the International Academy of Oral Medicine and Toxicology as follows:

"In using the term biological dentistry, we are not attempting to stake out a new specialty for dentistry but rather to describe a philosophy that can apply to all facets of dental practice and to health care in general."

Based on these sources, Respondent argues that the term "biological dentistry" is merely descriptive, and adding the geographic indicator "Virginia" to refer to a biological dentist in Virginia does not transform "Virginia Biological Dentistry" into an inherently distinctive term.

Respondent argues that Complainant itself has implicitly conceded that it is using VIRGINIA BIOLOGICAL DENTISTRY for its descriptive qualities and not as a trademark. Respondent states:

"The Complainant's own website states that the Complainant's business name 'now reflects' several tenets and practices of biological dentistry, capped off with 'our role as a true biological dentistry center in Virginia'. [...]"

"There is no dispute that the Complainant carries on business as 'Virginia Biological Dentistry'. But it is equally apparent that the Complainant's business is Biological Dentistry in Virginia. That is indeed what the Complainant expressly states to be the primary significance of the name 'Virginia Biological Dentistry' on the Complainant's own website."

As noted above, Respondent contends that it registered the Domain Name for its descriptive quality – Respondent provides dental services including services falling within the category of biological dentistry within the Commonwealth of Virginia. This, Respondent maintains, invests Respondent with a legitimate interest in the Domain Name.

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) 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**

The Panel declines to decide whether Complainant owns rights in a trademark. The Panel need not address this issue because the Complaint fails on the “Rights or Legitimate Interests” element, discussed below.

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

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel concludes that Respondent has a legitimate interest in the Domain Name. As Respondent argued persuasively, the Domain Name is descriptive of a dentist licensed in Virginia who renders “biological dentistry” services. Because the record contains little or no evidence that Respondent had knowledge of Complainant or its alleged trademark at the time Respondent registered the Domain Name, Respondent’s conduct falls within the above-quoted Policy paragraph 4(c)(i), as it constitutes a bona fide offering of services before any notice of a dispute.

The Complaint fails.

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

Paragraph 4(b) of the Policy provides that the following circumstances, “in particular but without limitation,” are evidence of the registration and use of the Domain Name in “bad faith”:

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent’s website or other online location, by creating a likelihood of confusion with Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of Respondent’s website or location or of a product or service on Respondent’s website or location.

The Panel sees no basis in the record to conclude that Respondent registered or used the Domain Name in bad faith, but the Panel need not decide this issue given its ruling above on the “Rights or Legitimate Interests” element.

With regard to Complainant's argument that non-party Ekwa Marketing may be behind Respondent's allegedly abusive Domain Name registration, the Panel is inclined to accept Respondent's assertion (and supporting evidence) that Ekwa Marketing is active within the dental industry. The Panel notes further that Complainant provided no evidence that Ekwa and Respondent were somehow in cahoots vis-à-vis the Domain Name, or that Ekwa Marketing had any role whatever in Respondent's decision to register the Domain Name. Given Ekwa Marketing's apparently robust presence in the dental field and the lack of anything beyond speculation offered by Complainant, the Panel will not credit Complainant's "Ekwa Marketing" argument.

## **7. Decision**

For the foregoing reasons, the Complaint is denied.

*/Robert A. Badgley/*

**Robert A. Badgley**

Sole Panelist

Date: January 7, 2025