

ADMINISTRATIVE PANEL DECISION

Access Medical Laboratories, LLC v. Nanci Nette
Case No. D2025-4863

1. The Parties

The Complainant is Access Medical Laboratories, LLC, United States of America ("United States"), represented by Simpson & Simpson PLLC, United States.

The Respondent is Nanci Nette, United States.

2. The Domain Name and Registrar

The disputed domain name <accessmedlabs.com> 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 21, 2025. On November 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 24, 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 November 25, 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 amendment to the Complaint on December 1, 2025.

The Center verified that the Complaint together with the amendment to the 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 December 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 22, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 23, 2025.

The Center appointed Gary Saposnik as the sole panelist in this matter on December 29, 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 Delaware limited liability company, with its principal place of business in Florida, United States. The Complainant provides comprehensive clinical laboratory testing services and operates under its ACCESS MEDICAL LABS and related marks throughout the United States and via its primary website at <accessmedlab.com>, which was created on April 27, 2003. The Complainant is the owner of a number of trademarks for medical laboratory services and medical diagnostic testing, monitoring and reporting services, including the following trademarks:

- ACCESS MEDICAL LABS, United States Reg. No. 6795536, registered July 19, 2022, in classes 42 and 44, with a first use in commerce date of December 1, 2003;
- ACCESS MEDICAL LABORATORIES (figurative), United States Reg. No. 4137639, registered May 8, 2012, in classes 42 and 44, with a first use date of December 1, 2003.

The disputed domain name was initially created on September 14, 2007, and updated on September 18, 2025. The Complainant alleges that the disputed domain name redirects visitors through multiple malicious webpages that, in some cases, display deceptive alerts to fake software renewal prompts or similar adware schemes, while exposing users to potential malware infections or fraudulent solicitations.

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 nearly identical to the Complainant's own domain name <accessmedlab.com>, differing only by the addition of the letter "s". This minor pluralization creates a high risk of mistyping or confusion among Internet users seeking the Complainant's legitimate website. Moreover, both domain names incorporate the distinctive elements of the Complainant's ACCESS MEDICAL LABS mark, reinforcing the likelihood of confusion.

The Complainant avers that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has no affiliation with, and has not been authorized, licensed, or otherwise permitted by, the Complainant to use its marks or to register any domain name incorporating the ACCESS MEDICAL LABS trademark. The disputed domain name does not resolve to a legitimate business website, but rather, it redirects visitors through a series of malicious URLs that attempt to deliver malware or adware, or to "renew" a fake antivirus subscription. The Complainant's consumers and healthcare providers seeking the Complainant's legitimate services, who inadvertently visit the disputed domain name, are instead exposed to malicious or deceptive content designed to install malware or adware. This not only risks infecting their devices but also creates confusion and undermines confidence in the Complainant's brand. Such use potentially leads users to believe the Complainant's website is unsafe or no longer operational. The use of a domain name to distribute malware or deceive Internet users can never confer rights or legitimate interests, and cannot constitute a bona fide offering of goods or services, nor a legitimate noncommercial or fair use.

Lastly, the Complainant contends that the domain name was registered and is being used in bad faith. Although the disputed domain name was originally created in 2007, the Complainant's investigation shows that it was later repurposed or came under the control of the current registrant long after the Complainant had established rights in its ACCESS MEDICAL LABS mark and its domain name at <accessmedlab.com>. The transfer to a different registrant after a complainant's trademark rights arise can constitute registration in bad faith. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 3.9.

Additionally, the Respondent's conduct has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to source, sponsorship, affiliation, or endorsement, by utilizing the tactic of typosquatting. The addition of the plural "s" was designed to divert Internet traffic intended for the Complainant. As such, the visitors attempting to reach the Complainant's legitimate website are instead redirected through multiple malicious webpages, including malware infections or adware schemes. Such activity endangers Internet users, damages the Complainant's reputation, and exploits the Complainant's goodwill for fraudulent purposes.

The Respondent's initial deliberate concealment of identity through Domains by Proxy, LLC, combined with its use of the disputed domain name for deceptive and harmful purposes, reinforces a finding of bad-faith registration and use. The Complainant had previously contacted the Registrar and hosting provider to request that the malicious website be taken down, but the Respondent's misuse continues. Based on the totality of the circumstances, the Respondent's conduct demonstrates that the disputed domain name was acquired and is being used in bad faith.

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 3.0](#), section 1.7.

The Complainant has shown rights in respect of its ACCESS MEDICAL LABS trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

In addition, the Complainant has established secondary meaning in ACCESS MED LAB through its use of the domain name <accessmedlab.com>.

The Panel finds the 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. The addition of an "s" can also be a misspelling of the Complainant's similar domain name. [WIPO Overview 3.0](#), section 1.9. Although the Complainant's mark contains "medical" rather than "med", the inclusion of "med" is a common shortener of "medical". Although the Complainant's marks included a disclaimer to the exclusive right to use "MEDICAL LABS" apart from the marks, the disputed domain name contains "ACCESS" in its entirety, which is the distinctive portion of the mark. As such, the disputed domain name is confusingly similar for the purposes of the first element of the policy.

Although the addition of "med" and "labs" may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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 Respondent is not affiliated with, nor has been authorized, licensed, or otherwise permitted by, the Complainant to use its marks or to register any domain name incorporating the ACCESS MEDICAL LABS trademark. The Respondent is not commonly known by the disputed domain name and is not using the disputed domain name in connection with a bona fide offering of goods or services. The Respondent’s use is not a legitimate noncommercial or fair use of the disputed domain name. The disputed domain name does not resolve to a legitimate business website, but rather, it redirects visitors through a series of malicious URLs that attempt to deliver malware or adware, or to “renew” a fake antivirus subscription.

Panels have held that the use of a domain name for illegitimate or illegal activity, here, claimed as distributing malware, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 disputed domain name was initially created on September 14, 2007. The Complainant’s primary website is at <accessmedlab.com>, which was created on April 27, 2003. The Complainant’s earliest trademark registration is dated in 2012, but both of the cited registrations reflect a first use in commerce date of December 1, 2003, predating the disputed domain name registration by several years.

Although the disputed domain name was originally created in 2007, the Complainant alleges that its investigation shows that it was later repurposed or came under the control of the current registrant long after the Complainant had established rights it is ACCESS MEDICAL LABS mark and its domain name at <accessmedlab.com>. The Complainant has not provided proof of the results of its investigation, but the Panel’s review of the Wayback Machine shows a change of use of the domain name, with it redirecting

sometime in 2024, after years of passive holding, which may be indicative of a transfer to the Respondent. (See, [WIPO Overview 3.0](#), section 4.8)

The Respondent used a proxy service in its initial registration. The Complainant has made a credible allegation that a relevant change in registration has occurred. Although it is common for registrars to utilize proxy services as a default during registration, the Respondent's domain name history (to be discussed infra) makes it incumbent on the Respondent to provide satisfactory evidence of an unbroken chain of registration. The respondent's failure to do so (or to respond to any claims in the complaint), has led panels to infer an attempt to conceal the true underlying registrant following a change in the relevant registration. The transfer to a different registrant after a complainant's trademark rights arise can constitute registration in bad faith.

Whether the registration by the Respondent was at the initial creation date, or at a later date, the totality of the circumstances reflect that the registration of the disputed domain name occurred after the Complainant had acquired trademark rights. [WIPO Overview 3.0](#), section 3.9.

As previously noted, the disputed domain name does not resolve to a legitimate business website, but rather, it redirects visitors through a series of malicious URLs that attempt to deliver malware or adware, or to "renew" a fake antivirus subscription. Panels have held that the use of a domain name for illegitimate or illegal activity, here claimed as distributing malware, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

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. The Panel's search of UDRP decisions reflects that the Respondent is a serial cybersquatter, having lost more than 50 prior UDRP cases wherein bad faith registration and use of disputed domain names have been found by various Policy panels. Additionally, the Respondent has a clear absence of rights or legitimate interests and has provided no response to the Complaint nor any credible explanation for the Respondent's choice of the disputed domain name. [WIPO Overview 3.0](#), section 3.2.1.

Having reviewed the totality of 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 <accessmedlabs.com> be transferred to the Complainant.

/Gary Saposnik/

Gary Saposnik

Sole Panelist

Date: January 12, 2026