

ADMINISTRATIVE PANEL DECISION

NANDA International, Inc. v. Axel Hernandez
Case No. D2025-5065

1. The Parties

The Complainant is NANDA International, Inc., United States of America (“United States”), represented by Archstone Law Group, United States.

The Respondent is Axel Hernandez, Chile.

2. The Domain Name and Registrar

The disputed domain name <nandadiagnoses.com> is registered with Name SRS AB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 5, 2025. On December 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 11, 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 (NAMESRS) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 15, 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 15, 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 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 6, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 7, 2026.

The Center appointed Andrew D. S. Lothian as the sole panelist in this matter on January 14, 2026. 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

According to the Complaint, the Complainant incorporated under the name NANDA International, Inc. in 2011. It is a provider of standardized nursing diagnostic terminology and claims to provide the world's leading evidence-based nursing diagnoses for use in practice and to determine interventions and outcomes, together with funding related research.

The Complainant specifically points to its website at the URL "www.nanda.org/who-we-are/our-story" regarding its history. On said website, the Complainant notes that prior to the year 2002, "NANDA" was an acronym for the North American Nursing Diagnosis Association, and that in 2002, the Complainant officially became NANDA International (and NANDA International, Inc., in 2011), in consideration of the significant growth of its membership outside North America.

The Complainant provides evidence showing that its diagnoses are copyrighted materials that are registered and owned by the Complainant. For example, the Complainant's "NANDA-I nursing diagnoses: definitions & classifications, 2007-2008" were registered with the United States Copyright Office under number TX0006600276 on November 24, 2006. This copyright registration contained a reference to a previous registration numbered TX 4-729-953 of 1998 in which the copyright claimant was the "North American Nursing Diagnosis Association", thus reinforcing the Complainant's history regarding its name. The copyright in later iterations of the Complainant's materials has also been registered.¹

The Complainant is the owner of the following registered trademarks in respect of the word mark NANDA:

United States Registered Trademark Number 8032436 for the word mark NANDA, registered on November 18, 2025, in Class 41 (providing information in the field of education regarding healthcare and Education services). This mark claims a first use in commerce of December 31, 1982, which claim is also specifically repeated in the Complainant's contentions along with a further claim to international use of said mark since 2002.

United States Registered Trademark Number 8032425 for the word mark NANDA, registered on November 18, 2025, in Class 44 (providing educational information about healthcare, information in the field of nursing, and information relating to nursing care services). This mark claims a first use in commerce of December 31, 1987.

The disputed domain name was registered on November 25, 2020. The website associated with the disputed domain name is currently inactive. Little is known of the Respondent, which has not participated in the administrative proceeding, other than that it appears to be a private individual with an address in Valparaiso, Chile.

¹ The Complainant produced an extract of the said registration number TX0006600276 in its documentary annexes. The Panel consulted the said registration on the United States Copyright Office's website in order to be able to follow the reference therein to the 1998 registration under number TX 4-729-953. With reference to the Panel conducting independent research of publicly available sources, see the [WIPO Overview 3.0](#), section 4.8. The Panel determined that it was unnecessary to put the results of its research to the Parties in this case because the Complaint contained the full reference to registration number TX 4-729-953 together with the URL at which this could be reviewed, and further copyright registrations consulted. Consequently, both of the Parties were on notice as to the existence of such registrations and where they could be consulted, whereby it was unnecessary for the Panel to refer the results of its research back to the Parties.

The Complainant asserted in the Complaint that the Respondent was posting unauthorized, infringing copies of the Complainant's copyrighted NANDA Diagnoses materials on the website associated with the disputed domain name, and indicated that the Complainant had submitted take-down and abuse reports with respect to previous hosts of the Respondent's website. The Panel therefore considered that it was entitled to infer that a further take-down request had been made successfully, thus removing the content described by the Complainant. The Panel therefore resolved to consult the Internet Archive "Wayback" Machine in respect of the website associated with the disputed domain name in order to determine whether there were any historic screenshot entries supporting the Complainant's description of the previous content. The Panel notes that an entry for said website dated August 3, 2022, shows that said website was used to reproduce links to portable document format ("pdf") electronic copies of the Complainant's NANDA 2018 2020 Nursing Diagnoses (Eleventh Edition), and further reproduced the Complainant's logo featuring the stylized letters "N" and "D" in a burgundy colored typeface, as shown on the Complainant's official website. This is consistent with the description of the content in the Complaint.²

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 distinctive portion of the disputed domain name is the word "nanda" which is identical to its NANDA registered trademarks. The Complainant notes that the phrase in the disputed domain name refers to the nursing diagnoses standards for which the Complainant is known, as described in the mission statement on the Complainant's official website. The Complainant points out that the said diagnoses are copyrighted materials, and produces the corresponding registration, adding that the Respondent is posting unauthorized and infringing copies of the said materials, together with unauthorized translations on the website associated with the disputed domain name. The Complainant contends that the presence of such materials on said website creates the false and misleading impression that the Respondent is authorized by or affiliated with the Complainant to present itself as an authorized distributor of the said materials.

The Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name on the basis that it has not been used in connection with a legitimate business, or a legitimate noncommercial or fair use of the Complainant's mark.

The Complainant contends that the Respondent registered the disputed domain name in bad faith, noting that the Respondent is in no way connected with or authorized by the Complainant to use its NANDA mark. The Complainant points out that the Respondent has submitted takedown and abuse reports with previous hosts which resulted in the said material being taken down, albeit that the Respondent has then reposted the content via a new host.

B. Respondent

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

² [WIPO Overview 3.0](#), section 4.8. Said entry features website content described by the Complainant and under the Respondent's control. Consequently, the Panel considered that both of the Parties were on notice as to such content, whereby it was unnecessary for the Panel to refer the results of its research back to the Parties.

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.

Although the Complainant's registered trademark is sufficient to meet the requirements of the first element assessment under the Policy regarding rights in a mark, it is also convenient to consider at this point whether the Complainant may also make out a claim to unregistered trademark rights in the mark NANDA, bearing in mind the fact that the registration of the disputed domain name pre-dates the registration of the Complainant's said registered marks by some five years.³ The Complainant's first cited mark contains a claim to first use in commerce in 1982, a claim separately repeated in the Complaint but without the provision of any independent evidence.⁴

Nevertheless, the Panel can see from the Complainant's copyright registration that it has been engaged in the publication of nursing standards since at least 2006, with its predecessor entity likewise being engaged in this field under the same name (originally an acronym for “North American Nursing Diagnosis Association”) since at least the date of the copyright registration in 1998 referred to in the factual background section. The Panel has no reason to disbelieve the Complainant when it says that such standards have been disseminated and are recognized internationally under the said mark.

In addition to the above, the Panel notes that the content of the website associated with the disputed domain name, before said content was removed, directly referenced and targeted the Complainant and its name or mark NANDA, even reproducing the Complainant's “N” and “D” logo in the correct color scheme and design as found on its official website, together with its copyright materials. The fact that a respondent is shown to have been targeting the complainant's mark (e.g., based on the manner in which the related website is used) may support the complainant's assertion that its mark has achieved significance as a source identifier. [WIPO Overview 3.0](#), section 1.3.

The Panel finds the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3.

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, “diagnoses” 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.

³ This pre-dating is not strictly relevant to the first element assessment under the Policy. While the UDRP makes no specific reference to the date on which the holder of the trademark or service mark acquired its rights, such rights must be in existence at the time the complaint is filed. [WIPO Overview 3.0](#), section 1.1.3. However, the Complainant's unregistered trademark rights, if any, are conveniently considered here as they may be relevant to the second and third element assessments under the Policy.

⁴ Such a claim is typically of limited evidentiary value on its own in administrative proceedings brought under the Policy (see, for example, *Dow Jones & Company, Inc. v. Idea Studios LLC dba Envent*, WIPO Case No. [D2009-1033](#) and the recent case of *OfferBee Home, Inc. v. Jason Moss*, WIPO Case No. [D2025-4517](#)).

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.

In particular, the Complainant asserted that the Respondent was using the disputed domain name to disseminate the Complainant’s copyrighted materials without the Complainant’s authorization, including the provision of unofficial translations of such materials. This was supported by the historic use of the website associated with the disputed domain name as identified by the Panel, which also showed that the Respondent named itself “NANDA Diagnoses” and used the Complainant’s logo, effectively cloaking itself in the Complainant’s identity. It is notable that while the Respondent was accused of being a repeat offender in regard to the unauthorized publication of the Complainant’s materials, the Respondent chose not to reply to the Complainant’s contentions, despite such accusation effectively raising a case for the Respondent to answer.

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

The Respondent has not engaged with the administrative proceeding and has provided no submissions or evidence which might have suggested that it had any claim to rights or legitimate interests in the disputed domain name. In the absence of such, the Panel has not been able to identify any potential rights and legitimate interests that the Respondent might have claimed had it chosen to participate in this case.

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 Respondent registered and used the disputed domain name to publish an unauthorized copy of the Complainant’s nursing standards and furthermore to impersonate the Complainant by describing itself as “NANDA Diagnoses” while also reproducing the Complainant’s logo. In light of the said content previously published via the website associated with the disputed domain name, there is no doubt in the Panel’s mind that the Respondent registered the disputed domain name in the knowledge of the Complainant’s (then unregistered) NANDA trademark, and with intent to target the same unfairly.

The Panel finds that by using the disputed domain name, the Respondent 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 the source, sponsorship, affiliation, or endorsement of said website, conform to paragraph 4(b)(iv) of the Policy. This on its own constitutes registration and use in bad faith in the present case.

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 activity, here, claimed copyright infringement and impersonation, 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.

As stated in the preceding section, the Respondent has not engaged with the administrative proceeding. It has neither addressed the Complainant's contentions on this topic nor brought forth any submissions or evidence which might have suggested that it registered the disputed domain names in good faith. In the absence of any response from the Respondent, the Panel cannot identify any matters which it might have raised in support of its case on this element of 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 <handadiagnoses.com> be transferred to the Complainant.

/Andrew D. S. Lothian/

Andrew D. S. Lothian

Sole Panelist

Date: January 27, 2026