

ADMINISTRATIVE PANEL DECISION

Sarah Rosenberg MD Inc v. Jan Everno
Case No. D2026-1037

1. The Parties

The Complainant is Sarah Rosenberg MD Inc, United States of America (“United States”), self-represented.

The Respondent is Jan Everno, United States.

2. The Domain Name and Registrar

The disputed domain name <sarahrosenbergmd.com> is registered with Snapnames, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 11, 2026. On March 11, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 11, 2026, 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 (Perfect Privacy, LLC (Privacy Service for Registrant)) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 13, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant did not submit an amendment.

The Center verified that 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 March 30, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 19, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 22, 2026.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on April 29, 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

The Complainant is a professional corporation established on July 13, 2023, under the laws of the State of California. Dr. Sarah Rosenberg is the sole owner and principal of the Complainant, through which she has conducted her private medical practice near San Francisco, California under the name SARAH ROSENBERG MD since July 2023, claiming that name as a common law mark. The Complainant attaches examples of its use of a logo bearing that name under an illustration of evergreen trees, which the Complainant asserts appears on business cards, professional directories, insurance panel listings, and patient-facing materials.

The Complainant originally registered the disputed domain name in July 2023 and used it for the Complainant's website but failed to timely renew the registration. The Panel notes that the Internet Archive's Wayback Machine has archived screenshots of the Complainant's former website associated with the disputed domain name, first with the name and a "Coming Soon" message, and then with a fully developed website promoting the Complainant's practice from April 2024 through June 2025.¹ A screenshot in July 2025 shows the disputed domain name available for purchase from a broker.

The disputed domain name was then registered on September 20, 2025, through the SnapNames automated domain backorder service to the Respondent Jan Everno, listing no organization, a postal address in the State of Michigan, United States, and a Gmail contact email address. In a variety of popular browsers, the disputed domain name resolves at the time of this Decision either to screens with security warnings or what appear to be advertising cookies in the ".in" ccTLD (India country code Top-Level Domain), again with security alerts for possible malware. The Complainant reports finding that the disputed domain name employed a "fake reCAPTCHA widget designed to trick users into enabling browser push notification spam" through multiple redirects including known, suspicious third-party domain names such as <apexbridgeworks.co.in> and <activityflowing.com>, which have been associated with advertising fraud and spam. The Complaint annexes an analysis by a technical expert showing that the multi-hop sequence of redirects from the disputed domain name has characteristics of deceptive network ad fraud and spam involving browser tracking and malware such as a fake reCAPTCHA widget, click IDs, campaign IDs, and landing page keys with traffic source indicators, with the result that the Respondent is deceptively harvesting push notifications permissions for spam delivery and thereby commercially monetizing traffic.

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 identical to its common law mark, in which the Respondent has no rights or legitimate interests. Instead, the Respondent has been using the disputed domain name for redirects to spam and fraud networks, which is not a bona fide commercial offering or fair use. The Complainant suggests that acquiring the disputed domain name through an automated backorder service and registering it through a privacy service also indicates a bad-faith motive

¹ Noting the general powers of a panel articulated in paragraphs 10 and 12 of the Rules, it is commonly accepted that a panel may undertake limited factual research into matters of public record, as the Panel has done in these proceedings. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.8.

rather than a legitimate interest in the name, which corresponds exactly to the personal and professional name of a real doctor. The Complainant argues that the Respondent's use of this name for "an affiliate fraud redirect network", creating confusion with the Complainant's mark, must be deemed bad faith under the Policy.

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 3.1](#), section 1.7.

The Panel finds the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.3. The Complainant furnishes evidence of using the mark SARAH ROSENBERG MD continuously as a word mark and as the textual element of a composite mark since 2023 in advertising and print materials, and it was used on the Complainant's website and as an email address until registration of the disputed domain name lapsed.

The entirety of the word mark and the textual element of the composite mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

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 that 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 3.1](#), 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 has no permission from the Complainant and does not appear to be known by a corresponding name. The record shows that the Respondent has not used the disputed domain name for a bona fide offering of goods or services but rather for a series of deceptive click captures and redirects to sites suspected of ad fraud, malware, and spam.

Panels have held that the use of a domain name for illegitimate or illegal activity (here, claimed to involve deceptive advertising and capture of permission clicks, distributing malware, or other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), 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 Respondent used an apparently automated domain name backorder service to acquire the disputed domain name when the Complainant allowed its registration to lapse. The Complainant cites this fact, along with the Respondent's use of a domain privacy service, as an indication of the Respondent's bad faith in the registration of the disputed domain name. These alone are not dispositive factors, however. Registrants have legitimate reasons to use domain privacy services (such as avoiding spam and identity theft through the unwarranted and possibly automated harvesting of their contact details), and the Policy does not distinguish among possible mechanisms for acquiring domain names. The ultimate question is whether the people acquiring them did so in bad faith. Thus, the Panel does not find bad faith simply for using automated registration or domain privacy services. However, their use also does not evade accountability under the Policy.

In this case, the person or person named as the Respondent (whether or not really called "Jan Everno") ordered and paid for the backorder software service and can be held responsible for its operation on his or her behalf, as well as for reviewing or failing to review its suggested purchases. The disputed domain name is not composed of dictionary words, and it includes after a person's name the abbreviation "md", which in English commonly denotes "medical doctor". Thus, whoever acquired the disputed domain name through a backorder service was reasonably on notice that this recently expired domain name registration was previously used professionally and, therefore, there was a strong possibility of a corresponding trademark. In such circumstances, the Panel finds it was incumbent on the Respondent to engage in a degree of due diligence to avoid violating the Policy. Other panels have reached a similar conclusion with respect to inadvertently expired domain names acquired with "drop-catching" registration services. See, e.g., *Supernac's (Holdings) Limited v. Domain Administrator, DomainMarket.com*, WIPO Case No. [D2018-0540](#).

Once acquired, the disputed domain name was put to illegitimate use, as detailed above, in connection with a deceptive click-harvesting scheme designed to facilitate spam marketing and possible malware downloads. At the least, these used a domain name confusingly similar to a professional's mark to attract Internet users to other sites for commercial gain, one of the examples of bad faith articulated in the Policy, paragraph 4(b)(iv).

Panels also have held that the use of a domain name for illegitimate or illegal activity, such as the scheme outlined here claimed to involve deceptive click-harvesting, spam marketing, and apparent malware downloads, constitutes bad faith. [WIPO Overview 3.1](#), 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 <sarahrosenbergmd.com> be transferred to the Complainant.

/W. Scott Blackmer/

W. Scott Blackmer

Sole Panelist

Date: May 13, 2026