

ADMINISTRATIVE PANEL DECISION

Stichting Zorggroep Almere v. Juan Carlos Herrera Murgas
Case No. DNL2026-0021

1. The Parties

Complainant is Stichting Zorggroep Almere, Netherlands (Kingdom of the), represented by ICTRecht, Netherlands (Kingdom of the).

The registrant of the disputed domain name is Juan Carlos Herrera Murgas, Panama, ("Respondent").

2. The Domain Name and Registrar

The disputed domain name <zorggroepalmere.nl> (the "Domain Name") is registered with SIDN through Sombrero.de Gmbh.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 19, 2026. On May 20, 2026, the Center transmitted by email to SIDN a request for registrar verification in connection with the Domain Name.

On May 21, 2026, SIDN transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named respondent and contact information in the Complaint.

The Center sent an email communication to Complainant on May 26, 2026, providing the information disclosed by SIDN, and inviting Complainant to amend the Complaint in this light. Complainant filed an amended Complaint on May 29, 2026.

The Center verified that the Complaint as amended satisfies the formal requirements of the Dispute Resolution Regulations for .nl Domain Names (the "Regulations").

In accordance with the Regulations, articles 5.1 and 16.4, the Center formally notified Respondent of the Complaint and the proceedings commenced on June 2, 2026. In accordance with the Regulations, article 7.1, the due date for Response was June 22, 2026. The Center did not receive any response. Accordingly, the Center notified Respondent's default on June 23, 2026.

The Center appointed Dinant T. L. Oosterbaan as the panelist in this matter on June 30, 2026. The Panel finds that it was properly constituted. The Panelist has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required to ensure compliance with the Regulations, article 9.2.

4. Factual Background

The following facts are undisputed.

Complainant is a healthcare organization registered in Netherlands (Kingdom of the) that provides primary care and related health services to residents of Almere, Netherlands (Kingdom of the) and the surrounding area. Its core activities include general practitioner care, district nursing, integrated care programs, diagnostics and other forms of integrated healthcare.

Complainant holds rights to the name of a foundation registered in Netherlands (Kingdom of the): ZORGGROEP ALMERE. In addition, Complainant owns Benelux semi-figurative trademark registration No.1003563 for ZORGROEP ALMERE, registration date January 3, 2017.

Complainant also owns and communicates on the Internet through the domain name <zorggroep-almere.nl>.

SIDN informed the Center that the Domain Name was first registered on August 25, 2014, and that the date of the current registration by change of registrant is March 20, 2019.

At the time of filing the Complaint, the Domain Name redirected to various external websites, including websites with adult content.

The name of the foundation and the trademark registration of Complainant predate Respondent's current registration of the Domain Name.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Regulations for it to become the registrant of the Domain Name instead of Respondent.

Notably, Complainant contends the following.

According to Complainant, the Domain Name is identical to the name of the Dutch foundation ZORGGROEP ALMERE. Accordingly, the Domain Name is identical to the name of a legal entity established in Netherlands (Kingdom of the) within the meaning of Article 2.1(a)(ii) of the Regulations. Complainant submits that the name "Zorggroep Almere" has been used consistently and recognizably for many years in the course of trade, including through Complainant's official website, in communications with clients, and in external publications and communications.

Complainant submits that Respondent has no rights or legitimate interests in respect of the Domain Name. Complainant asserts that Respondent is not affiliated in any way with Complainant and has not been granted any permission, license or other contractual authorization by Complainant. Furthermore, Respondent does not hold any trademark rights in respect of the name "Zorggroep Almere".

According to Complainant, the Domain Name is being used to automatically redirect Internet users to various external websites that bear no relation whatsoever to the legal entity Zorggroep Almere. These redirects appear to be primarily commercial in nature and aimed at generating Internet traffic and advertising revenue.

In several instances, the redirects lead to websites containing inappropriate advertising content, including adult content and webpages that are flagged by browsers or security software as potentially unsafe or harmful. Such use cannot be considered a legitimate non-commercial use or a bona fide use within the meaning of the Regulations. On the contrary, Respondent appears to be seeking to take unfair advantage of the reputation and goodwill associated with Complainant. Complainant concludes that Respondent has no rights to or legitimate interests in the Domain Name.

Complainant asserts that the Domain Name has been registered and is being used in bad faith. The Domain Name is identical to the name of Complainant, which has been used in the course of trade and public activities for many years and has been registered in the Dutch trade register since 2000. Given the distinctive nature of the name, the regional reputation of Complainant and the absence of any rights or plausible explanation on the part of Respondent, it may reasonably be inferred that Respondent was aware, or should have been aware, of Complainant's name at the time of registration of the Domain Name.

According to Complainant, the use of the Domain Name by Respondent confirms the conclusion that the Domain Name is being used in bad faith. Complainant submits that the Domain Name automatically redirects Internet users to various external websites that bear no relation whatsoever to Complainant. These websites appear to be designed to generate commercial gain, including through advertising revenue and redirected internet traffic, within the meaning of Article 3.2(d) of the Regulations. By using the Domain Name, that is identical to the name of Complainant, Respondent intentionally attracts Internet users who are seeking Complainant. Those users are subsequently redirected to unrelated online locations, thereby creating confusion as to the source of the website and as to a possible affiliation, sponsorship or endorsement by Complainant. Such confusion is intentionally exploited in order to generate Internet traffic and commercial gain.

Complainant finally submits that previous proceedings before the WIPO Arbitration and Mediation Center demonstrate that Respondent has previously been involved in similar domain name disputes. In those proceedings, findings were made in relation to domain names that were likewise confusingly similar to the names of existing organizations (see *Elmar Reizen B.V. v. Juan Carlos Herrera Murgas*, WIPO Case No. [DNL2024-0045](#) and *Boosten Reizen Hoensbroek B.V. v. Juan Carlos Herrera Murgas*, WIPO Case No. [DNL2022-0002](#)). This indicates a pattern of conduct whereby Respondent registers domain names corresponding to existing names or trademarks in order to attract Internet traffic or facilitate misleading conduct. Such pattern constitutes an additional indication that the registration and use of the Domain Name in the present case are likewise in bad faith.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Pursuant to Article 2.1 of the Regulations, a claim to transfer a domain name must meet three cumulative conditions:

- a) the domain name is identical or confusingly similar to: I) a trademark, trade name or geographical indication protected under Dutch law in which the complainant has rights; or II) a personal name registered in the General Municipal Register (Gemeentelijke Basisadministratie) of a municipality in Netherlands (Kingdom of the), or the name of a Dutch public legal entity or the name of an association or foundation registered in the Netherlands under which the complainant undertakes public activities on a permanent basis; and
- b) the respondent has no rights to or legitimate interests in the disputed domain name; and
- c) the domain name has been registered or is being used in bad faith.

Respondent did not provide a response to the Complaint. Therefore, based on Article 10.3 of the Regulations, the Panel will decide the dispute on the basis of the Complaint. In this case, the Complaint shall be granted, unless the Panel considers it to be without basis in law or in fact.

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, trade name or geographical indication protected under Dutch law, or the name of a Dutch public legal entity or the name of an association or foundation registered in Netherlands (Kingdom of the) under which the complainant undertakes public activities on a permanent basis and the disputed domain name. See section 1.7 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)").¹

Complainant has shown rights in respect of the name of the Dutch foundation "Zorggroep Almere", registered and located in the Netherlands. Complainant has demonstrated with substantial evidence that the foundation "Zorggroep Almere" has undertaken public activities on a permanent basis, including on the Internet, since at least the year 2000.

In addition, Complainant has shown rights in respect of the trademark ZORGGROEP ALMERE applicable in the Netherlands for purposes of the Regulations. See [WIPO Overview 3.1](#), section 1.2.1.

The Panel finds that entirety of the name of the foundation "Zorggroep Almere" and of the trademark ZORGGROEP ALMERE is reproduced within the Domain Name. The only difference is the deletion of the space between the two parts of ZORGGROEP ALMERE. Accordingly, the Domain Name is identical to the name of the foundation and the trademark for purposes of the Regulations.

The country code Top Level Domain ("ccTLD") ".nl" may be disregarded for purposes of Article 2.1(a) of the Regulations, see *Roompot Recreatie Beheer B.V. v. Edoco LTD*, WIPO Case No. [DNL2008-0008](#).

The Panel finds the first element of the Regulations has been established.

B. Rights or Legitimate Interests

Article 3.1 of the Regulations provides a list of circumstances in which Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in .NL 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.

Having reviewed the available record, the Panel, taking into account that Respondent has not submitted a Response, finds that Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name. Respondent has not rebutted Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the

¹In view of the fact that the Regulations are substantially similar to the Uniform Domain Name Dispute Resolution Policy ("UDRP"), it is well established that both cases decided under the Regulations and cases decided under the UDRP, and therefore [WIPO Overview 3.1](#), may be relevant to the determination of this proceeding (see, e.g., *Aktiebolaget Electrolux v. Beuk Horeca B.V.*, WIPO Case No. [DNL2008-0050](#)).

Domain Name such as those enumerated in the Regulations or otherwise.

There is no evidence that Respondent is affiliated in any way with Complainant and Complainant has never authorized Respondent to use the name of the foundation nor to use its trademark. There is also no indication that Respondent is commonly known by the Domain Name.

Based on the undisputed submission and evidence provided by Complainant, the Domain Name redirects Internet users to various external websites commercial in nature and aimed at generating Internet traffic and advertising revenue. In several instances, the redirects lead to websites containing inappropriate advertising content, including adult content, and webpages that are flagged by browsers or security software as potentially unsafe or harmful.

The Panel adds that at the time of the Decision it tried to access the website at the Domain Name but the Panel was blocked by its security software for the following reason: “uBlock filters – Badware risk”.

The Panel does not consider such use a bona fide offering of goods or services, nor a legitimate noncommercial or fair use of the Domain Name.

The Panel also notes the composition of the Domain Name, which is identical to the name of Complainant, and which carries a risk of implied affiliation with Complainant.

The Panel finds that Respondent has no rights to or legitimate interests in the Domain Name and that Complainant has satisfied the requirements of Article 2.1(b) of the Regulations.

C. Registered or Used in Bad Faith

In light of its considerations under Section 6.B, the facts presented by Complainant, and the lack of a response by Respondent, the Panel finds that the Domain Name has been registered and is used in bad faith.

The Panel notes that, for the purposes of Article 2.1(c) of the Regulations, Article 3.2 of the Regulations establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration or use of a domain name in bad faith.

In the present case, the Panel notes that the Domain Name incorporates Complainant's name of the foundation and Complainant's trademark in its entirety, which indicates, in the circumstances of this case, that Respondent registered and used the Domain Name with the intention to attract, for commercial gain, Internet users to its website through the likelihood of confusion, which may arise with the trademark of Complainant or the name of Complainant as a registered in Netherlands (Kingdom of the), as to the source, sponsorship, affiliation, or endorsement of its website or other on line location or of a service on its website or another online location, which constitutes registration and use in bad faith, according to Article 3.2(d) of the Regulations.

The Panel finally notes that Respondent has been involved in two similar cases in 2022 and 2025 in which it was decided to order the transfer the domain name to the complainant in those cases. See *Boosten Reizen Hoensbroek B.V. v. Juan Carlos Herrera Murgas*, WIPO Case No. [DNL2022-0002](#) and *Elmar Reizen B.V. v. Juan Carlos Herrera Murgas*, WIPO Case No. [DNL2024-0045](#). This constitutes another indication of bad faith registration and use.

Having reviewed the record, the Panel finds that both Respondent's registration and use of the Domain Name constitutes bad faith under the Regulations.

The Panel finds that Complainant has established the third element of the Regulations.

7. Decision

For all the foregoing reasons, in accordance with Articles 1 and 14 of the Regulations, the Panel orders that Complainant becomes the registrant of the Domain Name, <zorggroepalmere.nl>, instead of Respondent.

/Dinant T. L. Oosterbaan/

Dinant T. L. Oosterbaan

Panelist

Date: July 3, 2026