

ADMINISTRATIVE PANEL DECISION

Centrul Medical Unirea SRL v. Petya Tsvetkova
Case No. DRO2024-0009

1. The Parties

The Complainant is Centrul Medical Unirea SRL, Romania, represented by Cosmovici Intellectual Property Sarl, Switzerland.

The Respondent is Petya Tsvetkova, Bulgaria.

2. The Domain Name and Registry

The disputed domain name <fundatiareginamaria.ro> (the “Disputed Domain Name”) is registered with ROTLD (the “Registry”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 20, 2024. On December 23, 2024, the Center transmitted by email to the Registry a request for registrar verification in connection with the Disputed Domain Name. On December 23, 2024, the Registry 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 24, 2024, 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 amended Complaint on January 8, 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 the Respondent of the Complaint, and the proceedings commenced on January 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 29, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 30, 2025.

The Center appointed Gabriela Kennedy as the sole panelist in this matter on February 3, 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

Established in 1995 and operating under the brand name “Regina Maria” since 2011, the Complainant is a private healthcare services provider in Romania. The Complainant offers a wide range of medical services including outpatient and inpatient care, advanced medical imaging, and laboratory services. The Complainant’s network includes 53 locations nationwide, including eight hospitals, 13 daytime hospitalization centers, four maternity hospitals, 11 medical campuses, 27 imaging centers, and 37 laboratories. Additionally, the network includes over 340 partner polyclinics across the country.

The Complainant owns various figurative trademarks for the REGINA MARIA brand in multiple jurisdictions. The relevant trademark registrations include, inter alia, the European Union Trade Mark Registration No. 011301397 for  REGINA MARIA in Classes 42, 44, and 45 registered on March 19, 2015, the European Union Trade Mark Registration No. 013763131 for  REGINA MARIA in Classes 9, 16, 35, 36, 38, 41, and 43 registered on July 30, 2015, the Romanian Trade Mark Registration No. 172054 for  REGINA MARIA in Classes 35, 41, 42, and 44 registered on March 6, 2020, the Romanian Trade Mark Registration No. 172053 for  REGINA MARIA in Classes 35, 41, 42, and 44 registered on March 6, 2020, the Romanian Trade Mark Registration No. 194904 for  REGINA MARIA in Classes 35, 41, 42, and 44 registered on April 13, 2020 (the “Complainant’s Trademark”). The Panel notes that the two European Union Trade Mark Registrations Nos. 011301397 and 013763131 are subject to cancellation proceedings currently pending before the European Union Intellectual Property Office, yet the registrations remain valid at the time of rendering of this Decision.

The Complainant also owns the domain name <reginamaria.ro>, the official website of the Complainant.

The Disputed Domain Name was registered on January 3, 2024, many years after the Complainant first registered the Complainant’s Trademark. At the time of the filing of the Complaint and rendering of this Decision, the Disputed Domain Name resolved to an active website displaying links to articles related to medical support and various health and wellness topics. An URL link that is based on the Disputed Domain Name (“<https://fundatiareginamaria.ro/product-category/sanatare/>”) resolves to a webpage that advertises various purportedly discounted health supplements. Each product is accompanied with a click through link that states “Comanda de la producator” which translates to “Order from the manufacturer” in English (the “Respondent’s Website”).

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:

(a) The Disputed Domain Name is identical or confusingly similar to the Complainant’s Trademark. The Disputed Domain Name incorporates the Complainant’s Trademark in its entirety with the additional Romanian word “fundatia” which translates to “foundation” in English. The addition of the non-distinctive term “fundatia” does not prevent a finding of confusing similarity between the Disputed Domain Name and the Complainant’s Trademark. The addition of the term “fundatia” is likely to cause confusion and may mislead the public into believing the Respondent’s Website is an official website of the Complainant.

(b) The Respondent has no rights or legitimate interests in the Disputed Domain Name. There is no association between the Complainant and the Respondent, and the Complainant has not authorized or licensed the Respondent to use any of its trademarks in any way or apply for or use any domain names incorporating any of its trademarks. By using the term “Regina Maria”, the Disputed Domain Name carries a high risk of confusion and implied affiliation with the Complainant. Moreover, there is no evidence of the Respondent’s use of the Disputed Domain Name in connection with a bona fide offering of goods and services or legitimate noncommercial or fair use. The Respondent has been using the Disputed Domain Name to mislead and divert Internet users to the Respondent’s Website for commercial gain.

(c) The Respondent has registered the Disputed Domain Name and is using it in bad faith. The Respondent has registered and used the Disputed Domain Name with the intention to cause confusion to Internet users as to the source of the Respondent’s Website. Given the goodwill and reputation that the Complainant has acquired in the Complainant’s Trademark, the Respondent must have been fully aware of the existence of the Complainant’s rights in the Complainant’s Trademark when the Respondent registered and used the Disputed Domain Name. The mere registration of the Disputed Domain Name which incorporates a widely known trademark raises a presumption of bad faith. Furthermore, the Respondent’s Website’s purported involvement in the sale of potentially questionable pharmaceutical drugs or health supplements may lead to heightened risk of association with the Complainant as a medical service provider. The Respondent is taking advantage of the Complainant’s goodwill and reputation in the provision of medical services and is therefore using the Disputed Domain Name to attempt to attract Internet users to the Respondent’s Website for commercial gain by creating a likelihood of confusion with the Complainant’s Trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s Website.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements:

- (i) the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- (iii) the Disputed Domain Name has been registered and is being used by the Respondent in bad faith.

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.

The Panel finds that the Complainant’s Trademark is recognizable within the Disputed Domain Name. The dominant element “Regina Maria” of the Complainant’s Trademark is reproduced in its entirety within the Disputed Domain Name. Furthermore, it is well established that the country code Top-Level Domain “.ro” may be disregarded for the purposes of assessing confusing similarity under the first element.

[WIPO Overview 3.0](#), section 1.11.1. Accordingly, the Disputed Domain Name is confusingly similar to the Complainant's Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of the term, "fundatia", 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 Complainant's Trademark 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.

In the present case, the Respondent did not submit a Response. The fact that the Respondent did not submit a Response does not automatically result in a decision in favor of the Complainant. However, the Respondent's failure to file a Response may result in the Panel drawing appropriate inferences from such default. The Panel may also accept all reasonable and supported allegations and inferences flowing from the Complainant as true (see *Entertainment Shopping AG v. Nischal Soni, Sonik Technologies*, WIPO Case No. [D2009-1437](#); and *Charles Jourdan Holding AG v. AAIM*, WIPO Case No. [D2000-0403](#)).

The Panel notes that there is no evidence to show that the Respondent has trademark rights corresponding to the Disputed Domain Name, or that the Respondent has become commonly known by the Disputed Domain Name. The Panel further notes the reputation of the Complainant's Trademark, and the fact that the Complainant has provided no license or authorization of any kind to the Respondent to use the Complainant's Trademark or to apply for or use any domain name incorporating the Complainant's Trademark. The Respondent would likely not have adopted the Complainant's Trademark if not for the purpose of creating an impression that the Disputed Domain Name is associated with, or originate from, the Complainant. The Panel finds that the reproduction in the disputed domain name of the Complainant's Trademark together with the term "fundatia", which means "foundation" in English, and the use of the disputed domain name to resolve to a website displaying links to articles related to medical support and various health and wellness topics, lead to Internet user confusion.

There is no evidence to suggest that the Respondent's use of, or demonstrable preparations to use the Disputed Domain Name or a name corresponding to the Disputed Domain Name, is in connection with a bona fide offering of goods or services or be regarded as legitimate noncommercial or fair use. The Respondent's Website appears to be advertising various health supplements at a purportedly discounted price, by displaying the pictures of the products each accompanied by a click through link that resolves to a third party website. Taking into account the fact that the Complainant's business and the Respondent's Website are both offering goods or services in the health-related sector, it is possible that the Respondent's Website attempts to divert Internet users away from the Complainant for commercial gain while capitalizing on the goodwill associated with the Complainant's Trademark.

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 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 reproduces the dominant element "Regina Maria" of the Complainant's Trademark in its entirety. Further, the Respondent failed to respond to the Complainant's contentions. Panels have previously held that a finding of bad faith can be established where a complainant's trademark is shown to be well-known or in wide use at the time of registration of the disputed domain name (see *LEGO Juris A/S v. store24hour*, WIPO Case No. [D2013-0091](#)). It is likely that the Respondent has been fully aware of the Complainant's Trademark when it registered the Disputed Domain Name, given the well-known nature of the Complainant's REGINA MARIA brand, evidenced by the various trademark registrations for the Complainant's Trademark that was put into use well before the Respondent registered the Disputed Domain Name.

The Panel notes that the Disputed Domain Name resolves to an active website displaying links to articles related to medical services support, and various health and wellness topics. A sub-page of the Respondent's Website "<https://fundatiareginamaria.ro/product-category/sanatate/>" promotes various health supplements at a purportedly discounted price. The Panel further notes that the product click through links resolved to third party websites, some of which prompted Internet users to enter their names and phone numbers to proceed to ordering the product. The Respondent is taking advantage of the Complainant's goodwill and reputation in the medical services industry and is using the Disputed Domain Name to attract Internet users to the Respondent's Website for commercial gain by creating a likelihood of confusion with the Complainant's Trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's Website or of a product or service on the Respondent's Website.

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 <fundatiareginamaria.ro> be transferred to the Complainant.

/Gabriela Kennedy/

Gabriela Kennedy

Sole Panelist

Date: February 18, 2025