



DECISION OF THE THIRD-PARTY DECIDER
Algemeen Ziekenhuis Delta VZW / Sugarcane Internet Nigeria Limited
Case no. 444275 / mijnazdelta.be

1. The Parties

1.1. Complainant:

Algemeen Ziekenhuis Delta VZW
Deltalaan 1
8800 ROESELARE
BELGIUM

Hereafter referred to as the "Complainant".

Represented by:

Mr. Alexis FIERENS and Ms. Pauline HELLEMANS
Attorneys at law – DLA Piper UK LLP
Wolstraat 70
1000 BRUSSELS
BELGIUM

1.2. Domain name holder:

Sugarcane Internet Nigeria Limited
Akanbi Danmola Street off Ribadu Road 4
106104 IKOYI, LAGOS
NIGERIA

Hereafter referred to as the "Domain Name Holder".

2. Domain name

Domain name: mijnazdelta.be
Registered on: 15 December 2023

Hereafter referred to as the "Domain Name".

3. Procedure

On 12 June 2026, the Complainant filed a complaint with the Belgian Centre for Arbitration and Mediation ("CEPANI") concerning the Domain Name in which the Complainant requests the transfer thereof ("Complaint") in accordance with the CEPANI rules for domain name dispute resolution (the "Rules") and the dispute resolution policy of DNS Belgium, incorporated under Article 10 of its Terms and conditions for .be domain name registrations (the "Policy").



On 6 July 2026, CEPANI appointed the undersigned, Ms. Myrtle Gevers, as a third-party decider (the "Third-Party Decider") in this case.

The deliberations were closed on 13 July 2026.

The Domain Name Holder did not file a response to the Complaint.

In accordance with Article 6.4 of the Rules, this decision is based on the Complaint, including the exhibits attached thereto.

4. Factual background information

The Complainant is the governing body of different healthcare facilities, including the healthcare facilities named "Algemeen Ziekenhuis Delta" (Deltalaan 1, 8800 Roeselare) and "AZ Delta" (Brugsesteenweg 90, 8800 Roeselare). Healthcare facilities are subject to different legal obligations under Belgian law, including the obligation to be accredited by the respective competent government (see a.o. Article 69 Consolidated Act of 10 July 2008 on hospitals and other healthcare facilities). The aforementioned healthcare facilities Algemeen Ziekenhuis Delta (Health Care Organisation number 201417) and AZ Delta (Health Care Organisation number 205256) have obtained such authorisation.¹ The designation "Algemeen Ziekenhuis" refers to a specific type of accredited healthcare facility.² This limited factual background is added as part of the Third-Party Decider's general competences under Article 11 of the Rules as it deems this information useful for the assessment of the Complaint.

The Complainant is the holder of *inter alia* the following trademarks applicable on the Belgian territory:

- the Benelux word trademark "az delta" with registration number 940385, as applied for on 25 June 2013 and as registered on 11 October 2013 for the services in Nice classes 41, 42 and 44, with 25 June 2033 as expiration date (exhibit 2a); and
- the Benelux word trademark "AZ DELTA" with registration number 938657, as applied for on 22 May 2013 and as registered on 10 September 2013 for the services in Nice classes 41, 42 and 44, with 22 May 2033 as expiration date (exhibit 2b).

Exhibit 3 contains a screenshot dated 1 June 2026 of the website connected to the Domain Name, showing three options named (freely translated) "manage patient files", "electronic patient files" and "customer service platform". The website connected to the Domain Name is no longer accessible at the date of this decision.

¹ <https://publiek.departementzorg.be/cobrha/Institutions/List?cbe=0505931808>

² <https://www.health.belgium.be/nl/themas/gezondheid/organisatie-gezondheidszorg/gezondheidszorgvoorzieningen-belgie>



5. Position of the parties

5.1. Position of the Complainant

The Complainant requests the transfer of the Domain Name, or, in the alternative, the cancellation if the transfer would not be possible.

To this end, the Complainant submits that the three cumulative conditions for transferring the Domain Name are met:

- The Domain Name would be confusingly similar to the Complainant's abovementioned trademarks, as the Domain Name reproduces these trademarks in their entirety in combination with the non-distinctive element "mijn" (translated to "my" in English). This combination would furthermore strengthen the likelihood of confusion as this combination typically refers to a patient portal of a hospital, reason why the relevant public would associate the Domain Name with the Complainant.
- The Domain Name Holder would not have legitimate interests in the Domain Name because (i) the Domain Name Holder is not affiliated with the Complainant or the Belgian healthcare sector, (ii) the Domain Name Holder is not commonly known under the name "AZ Delta" or any variation thereof, and (iii) the Domain Name Holder has not obtained any consent or license from the Complainant to use the trademarks. The Complainant furthermore states that the Domain Name Holder would not be making any legitimate or bona fide use of the Domain Name for the offering of goods or services, which would indicate domain name parking without any substantive use. The Complainant furthermore mentions that the Complainant's trademarks precede the registration of the Domain Name.
- The Domain Name would have been registered and would be used in bad faith. The Complainant invokes an alleged strong suspicion that the website connected to the Domain Name is being operated by a fraudulent party with the intention of deceiving patients of AZ Delta and extracting sensitive information and refers to a warning e-mail of the Belgian Centre for Cybersecurity in exhibit 4 in this respect. Furthermore, the choice for this specific Domain Name ("mijn" + the trademark of the Complainant) could not be explained other than by the intention to profit from the reputation of the Complainant or to harm the Complainant or its patients. Said e-mail of the Belgian Centre for Cybersecurity in exhibit 4 in combination with said choice for this specific Domain Name would also prove that the website connected to the Domain Name would intentionally be used to disrupt the normal business operations of the Complainant as a competitor. The Complainant also refers to the registration date of the Domain Name, being ten years after the registration of the abovementioned trademarks, and the WIPO case D2023-4373 based on which the Domain Name Holder would be a known repeating offender.

5.2. Position of the Domain Name Holder

The Domain Name Holder did not file a response to the Complaint.



6. Discussion and findings

Following Article 16.1 of the Rules, the Third-Party Decider shall rule on the Complaint with due regard for the views of the parties and in accordance with the Policy, the registration agreement between the Domain Name Holder and DNS Belgium and the Rules.

Pursuant to Article 10.b), (1) of the Policy, the Complainant must provide evidence that:

1. the Domain Name is identical or confusingly similar to a trademark, a trade name, a registered name or a company name, a geographical designation, a designation of origin, a designation of source, a personal name or name of a geographical entity in which the Complainant has rights; and
2. the Domain Name Holder has no rights or legitimate interests in the Domain Name; and
3. the Domain Name has been registered or is being used in bad faith.

The Third-Party Decider may also undertake limited factual research into matters of public record as part of its general competences under Article 11 of the Rules if it would consider such information useful to assess the case merits and reach a decision (see *inter alia* WIPO D2024-1575; WIPO D2025-0345; CEPANI 444270).

6.1. The Domain Name is identical or confusingly similar to trademarks in which the Complainant has rights

The Complainant has established the existence of two Benelux word trademarks "az delta" (registration number 940385) and "AZ DELTA" (registration number 938657) for which the Complainant is registered as the trademark holder, and which precede the Domain Name registration (exhibits 2a and 2b). The Third-Party Decider has no reasons to assume that the stated trademarks have not been put to genuine use, e.g. taking into account their use on the Complainant's website.

The relevant part "mijnazdelta" of the Domain Name is held to be similar to the Complainant's trademarks. WIPO and CEPANI rulings support the view that a domain name is to be considered as similar when the domain name includes a trademark in its entirety, regardless of other terms in the domain name (see *inter alia* WIPO D2020-2923; WIPO D2013-0150; WIPO D2006-0662; CEPANI 444223; CEPANI 444271; CEPANI 44483; CEPANI 444253; CEPANI 444167). In this case, the Domain Name contains the Complainant's trademarks in their entirety and is as such to be considered as similar to these trademarks in accordance with said rulings. The addition of the term "mijn" to the Complainant's trademarks does not diminish this similarity as it concerns a generic term only.

The Third-Party Decider furthermore agrees that the Domain Name also creates a likelihood of confusion, as Internet users could associate the Domain Name with the Complainant's healthcare facilities due to the use of the possessive adjective "mijn" in combination with the Complainant's trademarks (see *inter alia* CEPANI 444184; 44374). This conclusion is reinforced by the generally known



fact that several Belgian service providers, including in the public³ and health⁴ sector, use customer portals with a name consisting of their trademark/trade name in combination with the word “mijn”, including the Complainant⁵.

The first condition of Article 10.b), (1) of the Policy is met.

6.2. The Domain Name Holder has no rights or legitimate interests in the Domain Name

The burden of proof of the second condition is considered to be satisfied when, taking into account all the facts of the case, the Complainant can credibly state that it is unaware of any reason or circumstance which could be indicative of a right or legitimate interest of the Domain Name Holder in the Domain Name (see *inter alia* WIPO D2001-1020; CEPANI 444110; CEPANI 444122).

The Complainant asserts that the Domain Name Holder does not have any rights or legitimate interests in the Domain Name. However, the Complainant fails to explain why the Complaint was only filed on 12 June 2026, whilst it was already made aware of the Domain Name registration on 13 December 2024 (exhibit 4). This lapse of time and the lack of explanation thereof make it more difficult to accept a lack of rights or legitimate interests based on this assertion only.

Nonetheless, by not submitting a response to the Complaint, the Domain Name Holder failed to provide any explanation or evidence to establish any rights or legitimate interests in the Domain Name (see *inter alia* WIPO D2010-0138; CEPANI 444218; CEPANI 444167; CEPANI 44478) and to contradict the Complainant's contentions.

The Third-Party Decider furthermore finds no reasons or circumstances that are indicative of any rights or legitimate interests in the Domain Name by the Domain Name Holder:

- The Third-Party Decider did not find evidence in the publicly available register that the Domain Name Holder has obtained the required authorisation to use the notion “az” as abbreviation of “algemeen ziekenhuis” in the Domain Name.⁶ The abbreviation “az” has no other plausible meaning in Dutch.
- The Domain Name carries a risk of implied affiliation with the Complainant due to the mere addition of the possessive adjective “mijn” to the Complainant's trademarks, which cannot constitute fair use by the Domain Name Holder (see *inter alia* WIPO D2023-0745).

Therefore, the Third-Party Decider considers that the second condition of Article 10.b), (1) of the Policy is met.

6.3. The Domain Name has been registered or is being used in bad faith

Bad faith must be reasonably proven and may be proven by any means, including by means of presumptions and circumstances that indicate the existence of bad faith with a reasonable degree

³ E.g. the customer portals Mijn Fluvius (<https://www.fluvius.be/nl/meters-en-meterstanden/digitale-meter/hoe-mijn-energieverbruik-online-raadplegen>).

⁴ E.g. the customer portals Mijn ZAS (<https://www.zas.be/je-dossier/mijn-zas>) and Mijn UZ Gent (<https://www.uzgent.be/nl/mijn-uz-gent>).

⁵ [Mijn.azdelta.be \(https://www.azdelta.be/nl-BE/raadpleging/online-inzage-dossier\)](https://www.azdelta.be/nl-BE/raadpleging/online-inzage-dossier).

⁶ https://publiek.departementzorg.be/cobrrha/Institutions/List?typact=WVG_VAZG%2C081&p=1



of certainty (see *inter alia* CEPANI 44171; 44441). The bad faith registration or use can be evidenced by the circumstances in the non-exhaustive list under Article 10.b), (2) of the Policy (see *inter alia* CEPANI 444102).

The Complainant submits the following exhibits to assert that several of these circumstances in the non-exhaustive list would be applicable: (i) a screenshot of the website linked to the Domain Name, dated 1 June 2026 (exhibit 3), (ii) an e-mail of the Belgian Centre of Cybersecurity, dated 13 December 2024 (exhibit 4), and (iii) a WIPO bad faith decision regarding the Domain Name Holder, dated 18 December 2023 (exhibit 5).

These exhibits on their own are not sufficient to prove a bad faith registration or use of the Domain Name. Indeed:

- The screenshot in exhibit 3 only shows three options named (freely translated) “manage patient files”, “electronic patient files” and “customer service platform”. It does not prove to what these options would redirect and thus does not prove the actual use.
- The Belgian Centre of Cybersecurity did not warn for a phishing campaign or waterhole attack in its e-mail of 13 December 2024, as the Complainant states, but merely indicated that this possibility exists (see terminology “could be used” and “could use” in exhibit 4). This mere hypothetical possibility does not reasonably prove bad faith (see *inter alia* CEPANI 444264). This is even more true, as the e-mail of the Belgian Centre of Cybersecurity dates back to 13 December 2024, whilst the Complaint was only filed on 12 June 2026, i.e. 1.5 years later. This puts the alleged claim of phishing based on exhibit 4 in perspective (see *inter alia* CEPANI 444264).
- A single decision in exhibit 5 that refers to one other decision can hardly constitute evidence of a “pattern of cybersquatting”, as the Complainant invokes (see *inter alia* CEPANI 444264).

Furthermore, the Third-Party Decider does not accept the Complainant's claim that the Domain Name was registered primarily for the purpose of disrupting the business of a competitor, as the Domain Name Holder does not seem to qualify as a competitor and the Complainant does not provide proof that the options in exhibit 3 link to a competitor's website.

However, the following combination of circumstances, which are based on the factual background of the case and the Third-Party Decider's own limited factual research as part of its general competences, does indicate with a reasonable degree of certainty that the Domain Name has been registered or used in bad faith:

- Although the Complainant only submits one previous decision as exhibit 5, the Third-Party Decider found at the time of this decision no less than 33 cases in the publicly available WIPO domain name dispute database in which the Domain Name Holder was held to act in bad faith.⁷ Some of these cases are similar to the present case, such as case D2024-0400 regarding

⁷ <https://www.wipo.int/amc/en/domains/search/> using “Sugarcane” as keyword to search the WIPO cases by named respondent: WIPO cases D2024-4818; D2024-4498; D2024-4172; D2024-4112; D2024-2918; D2024-2732; D2024-1863; D2024-0672; D2024-0400; D2023-4928; D2023-4373; D2023-0745; D2023-0308; D2022-4978; D2022-4661; D2022-0860; D2022-0104; D2021-4174; D2021-2182; D2021-1954; D2021-0727; D2021-0311; D2020-2393; D2020-1779; D2020-1763; D2020-0991; DCO2021-0096; DCO2021-0040; DCO2021-0032; DCO2021-0025; DCO2021-0018; DCO2020-0045; DCO2020-0041.



the domain name "mysodexomysavingsplan.com" in which the Domain Name Holder also added the possessive pronoun "my" to the invoked trademark "sodexo", or the case D2023-0745 regarding the domain name "sentaramedicalrecords.com", in which the Domain Name Holder used a domain name associated to a health care organisation. The Third-Party Decider therefore accepts a pattern of cybersquatting.

- The Domain Name Holder registered the Domain Name ten years after the Complainant registered its trademarks. A basic trademark register search or internet search prior to the registration of the Domain Name would have informed the Domain Name Holder of the existence of the Complainant and its trademarks (see *inter alia* WIPO DNL 2015-0062). The Domain Name Holder could not have been unaware of the fact that it chose a domain name that could attract Internet users by creating confusion with the Complainant's trademarks as to the source or affiliation of the website connected to the Domain Name (see *inter alia* WIPO D2022-3107). This is even more true as the Domain Name Holder merely added a possessive adjective to the Complainant's trademarks, implying that the Domain Name Holder should have known of the trademarks. Such combination is also frequently used for customer portals, including by the Complainant, reinforcing the intention to associate with the Complainant and its trademarks by creating confusion.

The Third-Party Decider reasonably finds that this use is also for commercial gain. The Domain Name has been connected to a website that contains three options in the past (exhibit 3). Although the Complainant does not provide proof to what these options redirect, the Third-Party Decider found in the publicly available WIPO domain name dispute database that the Domain Name Holder is known to use parked domain monetisation practices with pay-per-click links.⁸ It can therefore reasonably be accepted that the options on the website connected to the Domain Name also concerned pay-per-click links, indicating the use of the Domain Name for commercial gain.

The names of the options in exhibit 3 furthermore relate to the medical sector ("manage patient files", "electronic patient files" and "customer service platform"), which confirms the Domain Name Holder's intention to associate with the Complainant and its activities. Not only are these activities strictly governed under Belgian law, these names also indicate that the Domain Name Holder is intentionally using the Domain Name to attract, for commercial gain, Internet users to its website by creating confusion with the Complainant's trademarks as to the source or affiliation of the website.

This combination of the regulated activity, the pattern of bad faith applications, the pattern of parked domain monetisation practices, the mere addition of the possessive adjective "mijn" to the trademarks of the Complainant, the medically related options on the website connected to the Domain Name and the date of registration of the Domain Name (ten years after the Complainant registered its trademarks), renders the CEPANI case law in which bad faith was rejected inapplicable.

⁸ See *inter alia* WIPO D2024-4498, D2024-4172; D2024-4112; D2024-2918; D2024-1863; D2024-0672; D2024-0400; D2023-4928; D2023-4373; D2023-0745; D2023-0308; D2022-4978; D2022-4661; D2022-0850; D2022-0104; D2021-4174; D2021-2182; D2021-1954; D2021-0727; D2021-0311; D2020-2393; D2020-0991; DCO2021-0096; DCO2021-0040; DCO2021-0025; DCO2020-0045; DCO2020-0041.



Without any response from the Domain Name Holder, these circumstances sufficiently indicate the registration and use in bad faith.

The Third-Party Decider therefore decides that the third condition of Article 10.b), (1) of the Policy is met.

7. Decision

Consequently, pursuant to Article 10.e) of the Policy, the Third-Party Decider hereby rules that the registration for the "mijnazdelta.be" domain name is to be transferred to the Complainant.

Brussels, 27 July 2026

Signed by:


9E3112CE940E451...

Myrthe GEVERS
The Third-Party Decider