





1           4.3     The legislature’s stated intent in creating the Washington Health Benefit Exchange  
2 was to: (1) increase access to quality affordable health care coverage; (2) provide consumer choice  
3 and portability of health insurance; (3) create an organized, transparent, and accountable health  
4 insurance marketplace for Washingtonians; and (4) empower consumers to compare plans and  
5 make informed decisions about their health care coverage, among other stated purposes.  
6 RCW 43.71.005(2).

7           4.4     To achieve the legislature’s stated purpose of providing quality health care  
8 coverage, it gave the Exchange authority to certify health insurance plans, called Qualified Plans,  
9 that met specific criteria, including coverage of essential medical treatments and health benefits.  
10 RCW 43.71.065.

11          4.5     To market and sell these plans, the Exchange was given the authority to create an  
12 “enrollment portal,” an online platform for consumers to buy Qualified Plans. RCW 43.71.030.

13          4.6     On October 23, 2012, the Exchange announced the name of its online platform,  
14 Washington Healthplanfinder, along with a logo for the platform and the tagline “Click. Compare.  
15 Covered.” Press Release, Washington Health Benefit Exchange, Washington Health Benefit  
16 Exchange Reveals New Name (Oct. 23, 2012), [https://www.wahbexchange.org/washington-health-  
17 benefit-exchange-reveals-new-name/](https://www.wahbexchange.org/washington-health-benefit-exchange-reveals-new-name/) (last visited Oct. 6, 2020).

18          4.7     The Exchange developed its platform’s name, Washington Healthplanfinder, along  
19 with its logo and tagline, after extensive branding efforts and testing.

20          4.8     Washington Healthplanfinder has operated under the domain name  
21 wahealthplanfinder.org since 2013.

22          4.9     HIT is an insurance brokerage with a principal place of business in Seattle,  
23 Washington.

24          4.10    On the same day the Exchange publicly announced the name of its online platform,  
25 Washington Healthplanfinder, HIT registered twelve domain names with the phrase  
26 “healthplanfinder,” including the domain name washingtonhealthplanfinder.org.

1 4.11 Prior to registering these domain names, HIT had no history of using the phrase  
2 “healthplanfinder.”

3 4.12 In the months leading up to the first open enrollment period for the Exchange  
4 in 2013, HIT used the deceptive domain names that it had registered, including  
5 washingtonhealthplanfinder.org, to develop a website that had the capacity to create the deceptive  
6 net impression that it was the Exchange’s website.

7 4.13 The original design of HIT’s website used the term “healthplanfinder” at the top  
8 of the home page, with an image of the State of Washington beside it. The phrase  
9 “healthplanfinder” mimicked the style of the Exchange’s trademark, as one word, with all lower-  
10 case letters, and highlighting “plan” in the center of the phrase “healthplanfinder,” with a  
11 different color font.

12 4.14 The original home page read “Welcome to the Exchange.”

13 4.15 The original design of HIT’s Website incorporated visual characteristics similar  
14 to the Exchange’s website, such as the use of a series of scrolling photos with a banner  
15 announcing open enrollment.

16 4.16 HIT obtained a toll-free phone number that was one digit removed from the  
17 Exchange’s number, advertising this new number on the original version of its website.

18 4.17 The only indication that HIT’s website belonged to HIT was a small, vague notice  
19 at the bottom of the page stating “Powered by Health Insurance Team.”

20 4.18 In the months leading up to the Exchange’s first open enrollment period in 2013  
21 (October 1 through December 15), HIT continued to register deceptive domain names, including  
22 wahealthplanfinders.org (emphasis added), a domain name that is nearly identical to Washington  
23 Healthplanfinder’s domain name, wahealthplanfinder.org.

24 4.19 HIT activated many of its deceptive domain names, and used them to route  
25 consumers to its website, which displayed the domain name washingtonhealthplanfinder.org in  
26 the address bar.





