# Decision for dispute CAC-UDRP-101285

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| Case number | CAC-UDRP-101285 |
| Time of filing | 2016-09-09 10:13:34 |
| Domain names | PRAXBIND.XYZ |

## Case administrator

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| Organization | Iveta Špiclová (Czech Arbitration Court) (Case admin) |

## Complainant

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| Organization | BOEHRINGER INGELHEIM PHARMA GMBH & CO.KG |

## Complainant representative

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| Organization | Nameshield (Maxime Benoist) |

## Respondent

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| Organization | Huang ChaoQiong - N/A |

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant owns a portfolio of brands including the word “PRAXBIND” in several countries, including the International trademark PRAXBIND® number 1159336 registered on March 12th, 2013.

Furthermore, the Complainant is the owner of a portfolio of domain names including the wording “PRAXBIND”, such as <praxbind.com> registered on October 2nd, 2012.

FACTUAL BACKGROUND

The Complainant is a family-owned pharmaceutical group of companies with roots going back to 1885, when it was founded by Albert Boehringer (1861-1939) in Ingelheim am Rhein. Ever since, Boehringer has become a global research-driven pharmaceutical enterprise and has today about 140 affiliated companies world-wide with roughly 46,000 employees. The two main business areas of Boehringer are: Human Pharmaceuticals and Animal Health.

“PRAXBIND” is a humanized monoclonal antibody fragment (Fab) indicated in patients treated with Pradaxa® when reversal of the anticoagulant effects of dabigatran is needed for emergency surgery/urgent procedures and f in life-threatening or uncontrolled bleeding.

The disputed domain name was registered on July 16th, 2016 by the Respondent “Huang ChaoQiong”.

The Complainant contends that the disputed domain name is identical to its trademarks PRAXBIND® and domain names associated.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

For the sake of completeness, the Panel summarizes below the Complainant's main contentions:

The Complainant contends that the domain name is identical to its prior trademarks.

Further, the Complainant contends that the Respondent is not known by the Complainant, that the Respondent has no rights or legitimate interests in respect of the domain name and that he is not related in any way with the Complainant. It appears that the Complainant does not carry out any activity for, nor has any business with the Respondent.

The Complainant states that Complainant has never authorized or licensed the PRAXBIND® mark to the Respondent.

According to the Complainant, the domain name points to a webpage displaying sponsored links and that past panels have concluded that there is not a bona fide offering of goods or services or a legitimate noncommercial or fair use where the Respondent uses a disputed domain name to redirect Internet users to a website unrelated to the complainant.

Thus, the Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name <praxbind.xyz>.

Furthermore, the Complainant contends that the disputed domain name <praxbind.xyz> is for sale. The SEDO’s platform minimum offer is 90 USD, which constitutes more than the domain name out-of-pocket costs. Past panels have held that registering a domain name identical to a trademark in order to offer it to sell constitutes bad faith registration. The Complainant also contends that the disputed domain name displays sponsored links only to attracting internet traffic. Past panels have held such us constitutes bad faith use and registration (WIPO Case No. D2008-0422, F. Hoffmann-La Roche AG v. Transure Enterprise Ltd). Accordingly, the Complainant concludes that the Respondent has registered and is using the disputed domain name in bad faith.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the Domain Name is identical or confusingly similar to a trademark or service mark in which the complainant has rights (within the meaning of paragraph 4(a)(i)of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the Domain Name (within the meaning of paragraph 4(a)(ii)of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the Domain Name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii)of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

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Pursuant to paragraph 4(a) of the Policy there are three conditions to be met should the Complainant successfully seek transfer of the disputed domain name:

1. the disputed domain name has to be identical or confusingly similar to Complainant's trademark;
2. the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
3. the disputed domain name has been registered and is being used in bad faith.

All the conditions are in detail discussed below.

1. The Panel finds that the disputed domain name <praxbind.xyz> is identical to the Complainant's earlier trade mark "PRAXBIND", which has been registered long before the disputed domain name. The Panel considers that the addition of as the generic top level domain identifier ".xyz" at the end does not alter this conclusion.

2. The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the Domain Name (within the meaning of paragraph 4(a)(ii)of the Policy).

The Respondent has not submitted evidence of any use of the disputed domain name in connection with a bona fide offering of goods or services. The Respondent is not commonly known by the domain name and he is not making legitimate non-commercial or fair use of the disputed domain name. There appears to be no other basis on which the Respondent could claim any rights or legitimate interests to the domain name. Therefore, the Complainant has made a prima facie case that the Respondent does not have any rights or legitimate interests in the domain name and the Respondent has chosen not to file any Response.

In the absence of any Response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

3. The Complainant contends that the Respondent is currently using the domain name as a landing page where sponsored links are listed. In addition, Complainant contends that the domain name displays an "offer for sale".

The Panel has not been able to attest that the website at the disputed domain name includes a landing page with sponsored links. However, the Panel has been able to establish that there is a message displayed on the website stating: "BUY THIS DOMAIN The domain praxbind.xyz may be for sale by its owner!" When clicking on the available link, the internet user is redirected to SEDO's website where the domain name is offered for sale from USD 90. as mentioned by the Complainant.

This offer for sale is already indicative of registration and use of the domain name in bad faith. Paragraph 4(b)(i) of the Policy. It is also worth noting that the Respondent has deliberately targeted the Complainant's trademark by registering a domain name identical to Complainant's coined trademark, it is currently not in use, and in the opinion of this Panelist, there is no plausible legitimate use of the domain name; all these factors strongly support a finding of "bad faith registration and use" in accordance with paragraph 4(b) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **PRAXBIND.XYZ**: Transferred

## PANELLISTS

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| Name | **Jose Checa** |

DATE OF PANEL DECISION 2016-10-23