Decision for dispute CAC-UDRP-101332

Case number	CAC-UDRP-101332
Time of filing	2016-11-04 08:23:54
Domain names	teva.space, teva.tech

Case administrator

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

Complainant

Organization	Teva Pharmaceutical Industries Ltd.

Complainant representative

Organization	Matkowsky Law

Respondent

Name	Cochav Segal Halevi

IDENTIFICATION OF RIGHTS

US. Reg. No. 1,567,918 (filed Feb. 17, 1989, issued Nov. 28, 1989), in Class 5: TEVA
Canada Reg No. TMA411063 (filed Aug. 22, issued April 16, 1993) in Class 5: TEVA
Israel Reg.No. 41075 (filed August 5, 1975, registered July 5, 1977) in Class 5 for TEVA.
And others

FACTUAL BACKGROUND

Formed in 1976, through its predecessors in interest, Teva Pharmaceutical Industries Ltd. (“Complainant”), together with its subsidiaries (collectively, “Teva”), was first established in 1901 with its global headquarters in Israel. Teva is a global pharmaceutical company, committed to increasing access to high-quality healthcare by developing, producing and marketing affordable generic medicines and a focused portfolio of specialty medicines. One of the many Teva places around the world includes the Israeli-based Teva Tech plant, a state-of-the-art facility established in 1995.

The Respondent chose to register the disputed domain names with NameCheap. In entering into the Registration Agreement, the Respondent expressly contracted that in consideration for certain benefits for using NameCheap such as free hosting and low-cost domain name services, NameChap may display advertising on the disputed domain names in conjunction therewith through the use of pop-up or pop-under browser windows, banner advertisements, audio or video streams. The Respondent's domain portfolio included domain names that correspond with other well-known Israeli trademarks such as <walla.us> and <hotmobile.org>.

PARTIES CONTENTIONS

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

The COMPLAINANT states: The TEVA mark is a well-known mark, especially in Israel. It is likely that the Respondent registered the disputed domain names to profit from the trademark significance of TEVA (especially in close proximity to the new gTLD suffixes) rather than for any unsubstantiated preparations to use the disputed domain names for a generic meaning of Teva in Hebrew. Furthermore, the Respondent concealed its identity in registering the disputed domain names; because it has registered other domain names without privacy or proxy services such as tiberias.online, it cannot be that the Respondent always uses privacy or proxy services to avoid junk mail, for example.

The RESPONDENT states: 1. Teva - is nature at Hebrew !

2. the company that complaining - have just been published in very negative way , so I cant "give" anything will support criminally activities , or bad corporations .

3. "tevatech" is one name and not tow names as "they" described , and you may see it clearly from "tevatech" facility as I pictured in israel , if they wish - they can buy "tevatech.online" or " tevatech.tech" and so on ....

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the Domain Names are 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).

Prior domain dispute resolution panels before the Czech Arbitration Court, World Intellectual Property Organization, and The Forum have consistently recognized the Complainant's rights in the TEVA registered mark. E.g., Teva Pharmaceutical Industries Ltd. v.WHOIS PRIVACY PROTECTION SERVICE, INC., CAC Case No. 100921 (Czech Arb. Ct. Apr. 15, 2015) (transferring US-teva.com per UDRP); Teva Pharmaceutical Industries Ltd v. Apex Domain Pty Ltd, Case No. DAU2014-0001 (WIPO March 3, 2014) (transferring <tevapharm.com.au> per .auDRP); TEVA Pharmaceutical Industries Ltd. v. Kevin Wall, Claim No. FA1302001483227 (The Forum March 27, 2013) (transferring <tevarx.com> per UDRP); TEVA Pharmaceutical Industries Ltd. v. Inbal Sasson, Claim No. FA1208001457898 (The Forum Sept. 21, 2012) (transferring <tevaseiyaku.com> and others per UDRP); Teva Pharmaceutical Industries Ltd. v. Protected Domain Services / Dworld c/o Basil Administrator, Case No. D2010-0532 (WIPO May 28, 2010) (transferring <myteva.com> per UDRP).

The Respondent uses the disputed domain names which are identical to the registered trademarks of the Complainant. The addition of a gTLD suffix such as ".space" or ".tech" to a trademark in a domain name is generally insufficient to distinguish a domain name from a trademark under the first element of the UDRP

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 disputed domain names (within the meaning of paragraph 4(a)(ii)of the Policy). The Complainant has not licensed or otherwise consented to the Respondent’s registration and use of the disputed domain names. The Respondent is not in any way associated with the Complainant or the Complainant’s business. Nor are the disputed domain names derived in any way from the Respondent’s name. The Complainant's mark is well-known in its field around the world, as particularly known in Israel where it is headquartered and the Respondent resides as well.

The fact that the term "Teva" means "nature in Hebrew" does not give the right to use that term in a domain name especially with the gTLD suffix such as "space" or "tech". The content hosted is not specifically related to the dictionary term 'Teva'. Therefore, the content does not support that the Respondent had the intent to register the disputed domain names for their dictionary meaning.

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names have been registered and are

being used in bad faith (within the meaning of paragraph 4(a)(iii)of the Policy). The Respondent registered and is using the disputed domain names through NameCheap to generate revenue from click-through advertising, and many of the commercial links related directly to the Complainant, its line of business and even included a search box that when searched, resulted in sponsored listings to other pharmaceutical companies. Considering that the Respondent has registered <walla.us> and <hotmobile.org.il>, it is likely that the Respondent registered and contracted for his registrar to monetize the disputed domain names to profit from the trademark significance of TEVA. The argument of the Respondent regarding bad news for the Complainant is simply irrelevant. Furthermore, it is not a valid argument to propose other possible domain names for the Complainant.

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

The disputed domain names are confusingly similar to trademarks in which the Complainant has rights. There is not legitimate interest in favor of the Respondent. The Respondent registered and used the disputed domain names in bad faith generating revenue from click-through advertising to competitors.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **TEVA.SPACE**: Transferred
2. **TEVA.TECH**: Transferred

PANELLISTS

Name	**Thomas Hoeren**

DATE OF PANEL DECISION 2017-01-13

Publish the Decision