Decision for dispute CAC-UDRP-101807

Case number	**CAC-UDRP-101807**
Time of filing	**2017-12-13 11:14:39**
Domain names	**boehrjnger-ingelheim.com**

Case administrator

Name	**Aneta Jelenová (Case admin)**

Complainant

Organization	**Boehringer Ingelheim Pharma GmbH & Co.KG**

Complainant representative

Organization	**Nameshield (Maxime Benoist)**

Respondent

Name	**Pamela Romito**

OTHER LEGAL PROCEEDINGS

The Panel is not aware of other legal proceedings that relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant owns a large portfolio of trademarks including “BOEHRINGER INGELHEIM” in several countries, among which the international registration BOEHRINGER INGELHEIM with number 221544, which has been registered since 2 July 1959.

Furthermore, the Complainant owns multiple domain names consisting of “Boehringer Ingelheim”, such as <boehringer-ingelheim.com>, which has been registered since 1 September 1995.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant is a German 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. In 2013 alone, net sales of the Boehringer group of companies amounted to about EUR 14.1 billion.

The disputed domain name <boehrjnger-ingelheim.com> was registered on May 12, 2017 by the Respondent identified as “Pamela Romito”.

The disputed domain name is currently used for a website displaying only the information “sitebuilder.com 404 page not found".

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed 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 disputed 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 disputed 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

I. The Panel finds that the disputed domain name is confusingly similar to a trademark or service mark in which the Complainant has rights.

The disputed domain name <boehrjnger-ingelheim.com> is a misspelling of the Complainant’s registered trademark BOEHRINGER INGELHEIM.

Indeed, the Complainant rightfully contends that the substitution of the letter “i" by the letter “j” in the word BOEHRINGER and the use of a hyphen are not sufficient to escape the finding that the disputed domain name is confusingly similar to the Complainant’s trademark and do not change the overall impression of the designation as being connected to the trademark BOEHRINGER INGELHEIM.

This is thus a clear case of "typosquatting“, i.e. the disputed domain name contains an obvious misspelling of the Complainant’s trademark BOEHRJNGER instead of BOEHRINGER.

II. The Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Complainant contends that the Respondent is not affiliated with it nor authorized by it in any way. Neither a licence nor an authorisation has been granted to the Respondent to make any use of the Complainant's trademark, or apply for registration of the disputed domain name by the Complainant. The Complainant does not carry out any activity for, nor has

any business with the Respondent.

Furthermore, the Panel notes that the disputed domain name displays a parking page with the information “sitebuilder.com 404 page not found”, which demonstrates a lack of legitimate interests in respect of the disputed domain name.

In lack 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.

III. The Panel finds that the disputed domain name has been registered and is being used in bad faith.

The Complainant contends that by registering the disputed domain name <boehrjnger-ingelheim.com> with the misspelling of the trademark BOEHRINGER INGELHEIM, the disputed domain name was intentionally designed to be confusingly similar with the Complainant’s trademark.

It is highly unlikely that the Respondent had no knowledge of the Complainant's BOEHRINGER INGELHEIM trademark.

Furthermore, the Complainant has proven that the Respondent is using the disputed domain name in connection with a parking webpage displaying the information “sitebuilder.com 404 page not found".

These facts, including the absence of a Response show that the disputed domain name has been registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **BOEHRJNGER-INGELHEIM.COM**: Transferred

PANELLISTS

Name	**Tom Joris Heremans**

DATE OF PANEL DECISION 2018-01-17

Publish the Decision