Decision for dispute CAC-UDRP-102518

Case number	CAC-UDRP-102518
Time of filing	2019-06-06 09:31:35
Domain names	beohringer-ingelheim.com

Case administrator

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

Complainant

Organization	Boehringer Ingelheim Pharma GmbH & Co.KG

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Name	onso onso

OTHER LEGAL PROCEEDINGS

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

IDENTIFICATION OF RIGHTS

The Complainant relies on its international registration no. 221544 for a figurative mark consisting of the words "Boehringer-Ingelheim" with registration date 2 July 1959 based on prior registrations with basic date 27 February 1912.

FACTUAL BACKGROUND

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

The Complainant is a pharmaceutical group of companies founded by Albert Boehringer in Ingelheim am Rhein in 1885. It now has about 50,000 employees and net annual sales of around 17.5 billion euros. It owns trademarks consisting of the words "Boehringer Ingelheim" such as the international registration mentioned above. It has also registered domain names containing these words such as boehringer-ingelheim.com, registered by it since 1 September 1995.

The disputed domain name was registered on 2 June 2019 and has not been directed to a functioning web page.

PARTIES CONTENTIONS

No administratively compliant Response has been filed.

RIGHTS

The Complainant clearly has rights in the mark Boehringer-Ingelheim, including the international registration mentioned above.

The disputed domain name is confusingly similar to this mark, from which it differs only in the reversal of the order of the first two vowels and the addition of the generic .com suffix. The disputed domain name is liable to be confused with the Complainant's mark through misreading or mistyping.

Accordingly the Complainant has, to the satisfaction of the Panel, shown the disputed domain name is confusingly similar to a mark in which it has rights within the meaning of paragraph 4(a)(i) of the Policy.

NO RIGHTS OR LEGITIMATE INTERESTS

It is clear from the undisputed evidence that the Respondent has not used or made demonstrable preparations to use the disputed domain name or a corresponding name for a bona fide offering of goods or services or for any legitimate non-commercial or fair use.

Nor is the Respondent commonly known by the disputed domain name or a corresponding name or authorised or licensed by the Complainant to register or use it.

There is no other plausible basis on which the Respondent might have any rights or legitimate interests in the disputed domain name or a corresponding name.

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 disputed domain name is obviously based on a miss-spelling of the Complainant's mark. There is no good faith reason for the Respondent to register and use this disputed domain name. On the contrary, this appears to be a clear case of "typosquatting", in which it is reasonable to infer that the Respondent has acted and is acting in bad faith. The Respondent's retention of the disputed domain name in these circumstances is a form of passive use.

In all the circumstances, 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

The disputed domain name consists of a miss-spelling of a very longstanding mark of the Complainant's now substantial international business. The Respondent has not used the disputed domain name for any legitimate purpose and has no rights or legitimate interests in respect of it. In the absence of any good faith reason for registering the disputed domain name, it is to be inferred that it was registered and is now being passively 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. **BEOHRINGER-INGELHEIM.COM**: Transferred

PANELLISTS

Name	**Jonathan Turner**

DATE OF PANEL DECISION 2019-07-12

Publish the Decision