Decision for dispute CAC-UDRP-103229

Case number	CAC-UDRP-103229
Time of filing	2020-08-19 10:22:35
Domain names	boehringerlingelheimequinerebates.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Boehringer Ingelheim Pharma GmbH & Co.KG

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Name	George Washere

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other proceeding.

IDENTIFICATION OF RIGHTS

The Complainant owns a large portfolio of trademarks including the terms “BOEHRINGER INGELHEIM” in several countries, such as :
- the international trademark BOEHRINGER-INGELHEIM® n°221544, registered since July 2nd, 1959; and,
- the international trademark BOEHRINGER INGELHEIM® n°568844 registered since March 22nd, 1991.

Furthermore, the Complainant owns multiple domain names consisting in the wording “BOEHRINGER INGELHEIM”, such as <boehringeringelheimequinerebates.com> registered and used since August 13th, 2019.

FACTUAL BACKGROUND

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

The Complainant states that the disputed domain name is confusingly similar to its trademark BOEHRINGER-INGELHEIM®. The Complainant’s trademark BOEHRINGER-INGELHEIM® is distinctive and well-known. Past Panels have confirmed the notoriety of the Complainant’s trademarks, namely:
- WIPO Case No. D2019-0208, Boehringer Ingelheim Pharma GmbH & Co. KG v. Marius Graur (“Because of the very

distinctive nature of the Complainant's trademark [BOEHRINGER-INGELHEIM] and its widespread and longstanding use and reputation in the relevant field, it is inconceivable that the Respondent registered the disputed domain name without being aware of the Complainant's legal rights.");
- CAC Case No. 102274, BOEHRINGER INGELHEIM PHARMA GMBH & CO.KG v. Karen Liles ("In the absence of a response from Karen Liles and given the reputation of the Complainant and its trademark (see, among others, WIPO Case No. D2016-0021, Boehringer Ingelheim Pharma GmbH & Co.KG v. Kate Middleton), the Panel infers that the Respondent had the Complainant's trademarks BOEHRINGER-INGELHEIM in mind when registering the disputed domain name.").

The misspelling in the trademark BOEHRINGER-INGELHEIM®, i.e. the addition of the "L" and the deletion of the hyphen, is not sufficient to escape the finding of confusing similarity, prima facie lack of any legitimate interest, and moreover bad faith, also given Complainant's use of the <boehringeringelheimequinerebates.com> registered and used since August 13th, 2019.

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

Complainant is the owner of a well-known trademark, intensively used in conjunction with other expressions as "boehringeringelheimequinerebates", to whom the disputed domain name clearly is targeted without any possible legitimate interest and with the only intent to harm Complainant's right to use its trademark on the Internet in domain name corresponding to his well established exclusive rights.

According to well established UDRP principles, typosquatting of well-known trademarks is in itself a clear cut case of bad faith. This case is a blatant case of domain name purportedly used to attract Internet users whi may make typing errors.

This is a blatant example of typosquatting where a domain name attracts Internet users who may make typing errors (WIPO DCO2017-0043; WIPO Case No. D2018-0497).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **BOEHRINGERLINGELHEIMEQUINEREBATES.COM**: Transferred

PANELLISTS

Name	**Roberto Manno**

DATE OF PANEL DECISION 2020-10-09

Publish the Decision