

Decision for dispute CAC-UDRP-103575

Case number	CAC-UDRP-103575
Time of filing	2021-02-15 09:31:07
Domain names	boehringerengelheim.life

Case administrator

Organization	Denisa Bilík (CAC) (Case admin)
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Complainant

Organization	Boehringer Ingelheim Pharma GmbH & Co.KG
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Complainant representative

Organization	Nameshield (Enora Millocheau)
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Respondent

Name	khaled hosuuun
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OTHER LEGAL PROCEEDINGS

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

IDENTIFICATION OF RIGHTS

The Complainant is the owner of trademark registrations across various jurisdictions, inter alia international trademark registration no. 221544 BOEHRINGER-INGELHEIM, registered since July 2, 1959. The trademark is registered for various goods in classes 1, 2, 3, 4, 5, 6, 16, 17, 19, 29, 30, and 32 (hereinafter referred to as the "Trademark").

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 roughly 51,000 employees. In 2019, it had net sales of about EUR 19 billion.

The Complainant is also the owner of several domain names consisting of the Trademark, including <boehringer-ingelheim.com> (created in 1995).

The disputed domain name was registered on February 8, 2020, and is used to redirect Internet users to the Complainant's website at <https://www.boehringer-ingelheim.com/>.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT

The Complainant contends that the disputed domain name includes the Trademark in its entirety and is identical to the trademark.

Furthermore, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. In this regard, the Complainant states that the Respondent has no relationship with the Complainant's business and is not authorized or licensed to use its trademarks. In addition, the Complainant contends that the Respondent is not commonly known by the disputed domain name and that the Respondent's use of the disputed domain name to forward Internet users to the Complainant's website is no bona fide offering of goods or services or legitimate non-commercial or fair use under the Policy.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. In this regard, the Complainant contends that the Respondent was fully aware of the Complainant when registering the disputed domain name because the Trademark is well-known and highly distinctive and because the Respondent redirects Internet users to the Complainant's website. The Complainant also states that the Respondent is using the disputed domain name with the sole aim to create a likelihood of confusion with the Complainant's trademarks and domain names and therefore in bad faith.

RESPONDENT

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

Under paragraph 4(a) of the Policy, the Complainant must prove that each of the following three elements is present:

- (i) the disputed domain name is identical or confusingly similar to the Complainant's trademark; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

1. The Panel accepts that the disputed domain name is identical to the Trademark as it fully incorporates the Trademark. It is well established that the specific top-level domain name generally is not an element of distinctiveness that can be taken into consideration when evaluating the identity or confusing similarity between the complainant's trademark and the disputed domain name.

2. The Complainant has substantiated that the Respondent has no rights or legitimate interests in the disputed domain name. The Panel finds that the Complainant has fulfilled its obligations under paragraph 4(a)(ii) of the Policy. The Respondent did not deny these assertions in any way and therefore failed to prove any rights or legitimate interests in the disputed domain name.

Based on the evidence before the Panel, the Panel cannot find any rights or legitimate interests of the Respondent either. In particular, the Respondent's use of the disputed domain name to forward Internet users to the Complainant's website does not constitute rights or legitimate interests of the Respondent in the disputed domain name.

3.1 The Respondent uses the disputed domain name to forward Internet users to the Complainant's website. The Panel is therefore satisfied that the Respondent registered the disputed domain name with full knowledge of the Complainant and its rights in Trademark.

3.2 Redirecting the disputed domain name to the Complainant's own website implies also bad faith use: Such behavior includes the risk that the Respondent may at any time cause Internet traffic to redirect to a website that is not that of, or associated with, the Complainant (see *MySpace, Inc. v. Mari Gomez*, WIPO Case No. D2007-1231; *Mandarin Oriental Services B.V. v. Domain Administrator, Matama*, WIPO Case No. D2017-0615), and may increase customer confusion that the disputed domain name is somehow licensed or controlled by the Complainant (see *PayPal Inc. v. Jon Shanks*, WIPO Case No. D2014-0888; *Mandarin Oriental Services B.V. v. Domain Administrator, Matama*, WIPO Case No. D2017-0615).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **BOEHRINGERINGELHEIM.LIFE**: Transferred

PANELLISTS

Name **Peter Müller**

DATE OF PANEL DECISION **2021-03-22**

Publish the Decision