

Decision for dispute CAC-UDRP-103644

Case number	CAC-UDRP-103644
Time of filing	2021-03-10 09:30:20
Domain names	boehringeringelheimpetrates.com

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

Organization	Fundacion Comercio Electronico
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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 several "BOEHRINGER INGELHEIM" trademarks, among which:

- the International trademark "BOEHRINGER-INGELHEIM" n° 221544;
- the International trademark "BOEHRINGER INGELHEIM" n° 568844.

("the BOEHRINGER INGELHEIM trademarks").

The Complainant also uses multiple domain names consisting of the wording "BOEHRINGER INGELHEIM", such as "boehringeringelheimpetrebates.com", which is connected to the official website of the Complainant ("the BOEHRINGER INGELHEIM domain name").

FACTUAL BACKGROUND

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

The Complainant is a family-owned pharmaceutical group of companies with roots going back to 1885. Ever since, the

Complainant has become a global research-driven pharmaceutical enterprise and has today about roughly 51,000 employees. The three main business areas of the Complainant are human pharmaceuticals, animal health, and biopharmaceuticals.

The Complainant uses the BOEHRINGER INGELHEIM trademarks and the BOEHRINGER INGELHEIM domain name in connection to its services worldwide.

The Respondent registered the domain name "boehringeringelheimpetrates.com" on 5 March 2021 ("the disputed domain name"). The disputed domain name is currently used for a parking page with commercial links.

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 the Policy are met and that there is no reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

I. The disputed domain name is confusingly similar to the Complainant's trademarks

The Panel finds that the disputed domain name "boehringeringelheimpetrates.com" is confusingly similar to the Complainant's BOEHRINGER INGELHEIM trademarks.

The Complainant rightfully contends that the mere addition of the generic terms "PET RATES" is not sufficient to escape the finding that the disputed domain name is confusingly similar to the Complainant's trademark. This cannot prevent the association in the eyes of internet consumers.

II. 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

The Panel notes that the Complainant has never granted the Respondent any right to use the BOEHRINGER INGELHEIM trademarks for the disputed domain name, nor is the Respondent affiliated to the Complainant in any form.

The Respondent has made no use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, is not making a legitimate non-commercial or fair use of the disputed domain name, and is not commonly known under the disputed domain name.

The Panel notes that the Respondent's name or contact details contain no reference to BOEHRINGER INGELHEIM or similar

words or names. The disputed domain name is not used for any active website, but only for a parking page with commercial links. The Respondent has not by virtue of the content of the website, nor by its use of the disputed domain name shown that it will be used in connection with a bona fide offering of goods or services.

Therefore, the Panel finds that the Complainant has shown that the Respondent has not made legitimate use of the disputed domain name for a bona fide offering of goods or services.

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 Complainant has, to the satisfaction of the Panel, shown that the disputed domain name was registered and is being used in bad faith

The long-standing use and reputation of the BOEHRINGER INGELHEIM trademarks of the Complainant indicate that the Respondent likely had knowledge of the Complainant's trademarks at the time of the registration of the disputed domain name.

Moreover, the failure of the Respondent to use the disputed domain name for bona fide offerings and hence to present a credible evidence-backed rationale for registering and using the disputed domain name, as well as the passive holding of the disputed domain name, all show that the Respondent has registered and used the disputed domain name in bad faith.

In lack of any Response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has registered and used the disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **BOEHRINGERINGELHEIMPETRATES.COM**: Transferred

PANELLISTS

Name	Tom Joris Heremans
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DATE OF PANEL DECISION 2021-04-09

Publish the Decision
