

Decision for dispute CAC-UDRP-104403

Case number	CAC-UDRP-104403
Time of filing	2022-03-09 09:50:49
Domain names	boehringer-ingelheim.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 S.A.S.
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Respondent

Name	Regina Keisa
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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 has rights in the registered international trademarks BOEHRINGER-INGELHEIM n°221544, registered on July 2, 1959 and n°568844 registered on March 22, 1991.

FACTUAL BACKGROUND

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

Founded in 1885, the Complainant is a global research-driven pharmaceutical enterprise with roughly 52,000 employees. In 2020, the Complainant achieved net sales of 19.6 billion Euros.

The Complainant owns a large portfolio of trademarks including BOEHRINGER INGELHEIM in several countries and multiple domain names incorporating that mark, such as <boehringer-ingelheim.com> registered since September 9, 1995.

The disputed domain name <boehringer-ingelheim.com> was registered on March 3, 2022. It resolves to an inactive page. MX servers are configured.

The Respondent has no rights or legitimate interests in respect of the domain name <boehringar-ingelheim.com> and is not related in any way to the Complainant. The Complainant does not carry out any activity for, nor has any business with the Respondent. Neither licence nor authorization has been granted by the Complainant to the Respondent to make any use of the Complainant's trademark BOEHRINGER-INGELHEIM, nor to apply for registration of the disputed domain name.

Given the distinctiveness of the Complainant's trademark and its reputation, it is reasonable to infer that the Respondent has registered and uses the disputed domain name with full knowledge of the Complainant's trademark.

The disputed domain name is a typosquatted version of the BOEHRINGER-INGELHEIM trademark. It resolves to an inactive page. Therefore, the Respondent has not made any use of the disputed domain name since its registration. This confirms that the Respondent has no demonstrable plan to use the disputed domain name.

The registration of the domain name <boehringar-ingelheim.com> with the misspelling of the trademark BOEHRINGER-INGELHEIM, was intentionally designed to be confusingly similar to the Complainant's trademark. Previous UDRP Panels have seen such actions as evidence of bad faith. See for instance WIPO Case No. D2016-1546, Boehringer Ingelheim Pharma GmbH & Co. KG v. Martin Hughes <boehringer-ingalheim.com> ("the registration of the Domain Name which contains obvious misspelling of the Complainant's BOEHRINGER INGELHEIM trademark and which is virtually identical to the Complainant's <boehringer-ingelheim.com> domain name constitutes registration and use bad faith.")

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

In light of the Complainant's submissions and the absence of any response, the Panel finds that the Complainant has shown that it has rights in the BOEHRINGER-INGELHEIM trademark, which is famous, and has established that the Respondent has no rights or legitimate interests in the disputed domain name, which was registered in bad faith by the Respondent with full knowledge of the Complainant's famous mark. Further, as in the leading case of Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003, there is no conceivable active use that could be made of the typosquatted domain name that would not amount to an infringement of the Complainant's trademark rights. Accordingly, the Panel finds that the Respondent's passive use of the disputed domain name constitutes use in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. BOEHRINGAR-INGELHEIM.COM: Transferred

PANELLISTS

Name	Mr. Alan Lawrence Limbury
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DATE OF PANEL DECISION 2022-04-02

Publish the Decision
