

Decision for dispute CAC-UDRP-104265

Case number	CAC-UDRP-104265
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Time of filing	2022-01-10 11:00:50
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Domain names	NovartisCep.com
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Case administrator

Organization	Denisa Bilík (CAC) (Case admin)
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Complainant

Organization	Novartis AG
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Complainant representative

Organization	BRANDIT GmbH
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Respondent

Organization	Cairo
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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 relies on:

- International Mark No. 663765 for the word mark NOVARTIS registered in a large number of classes on 1 July 1996 designating numerous countries including Egypt on the basis of Swiss Mark No. 427370 registered on 15 February 1996; and
- International Mark No. 666218 for the word mark NOVARTIS registered in classes 41 and 42 on 31 October 1996 designating numerous countries including Egypt on the basis of Swiss Mark No. 432588 registered on 7 March 1996.

FACTUAL BACKGROUND

The Complainant is the holding company of the Novartis Group, one of the biggest global pharmaceutical and healthcare groups. The Group was created in 1996 by the merger of the Ciba-Geigy and Sandoz groups. The Novartis Group has large operations in Egypt as well as other countries. The Complainant is the owner of the registered trademarks mentioned above and other rights in the mark NOVARTIS, which is the principal mark of the Novartis Group.

The disputed domain name, <novartiscep.com>, was registered by the Respondent on 27 November 2021. According to the Whois data, the Respondent is based in Egypt.

"CEP" is the official acronym for "Certification of suitability to the monographs of the European Pharmacopoeia", an important certification of the purity of pharmaceutical substances.

The disputed domain name resolves to a holding page which merely states that a new WordPress Site is coming soon.

The Complainant's representatives sent a cease and desist letter to the Respondent on 30 November 2021 and reminders on 9 December 2021 and 3 January 2022 but did not receive a reply.

PARTIES CONTENTIONS

No administratively compliant Response has been filed.

RIGHTS

The Panel finds that the Complainant has registered rights in the mark NOVARTIS. The disputed domain name consists of this mark followed by the acronym CEP, which is descriptive in relation to many of the Complainant's products, and the generic top level domain suffix. The Panel is satisfied that the disputed domain name is identical or confusingly similar to a mark in which the Complainant has rights within the meaning of paragraph 4(a)(i) of the Policy.

NO RIGHTS OR LEGITIMATE INTERESTS

The Panel finds on the evidence that the Respondent did not use or prepare to use the disputed domain name or any corresponding name for a bona fide offering of goods or services prior to notice of the dispute. Nor is the Respondent commonly known under such name, or making legitimate non-commercial or fair use. The Complainant has also confirmed that it has not authorised the Respondent to use the disputed domain name or any 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 confusingly similar to the Complainant's well-known and distinctive mark which has been in use on a large scale for over 20 years around the world including in Egypt where the Respondent appears to be based. On the material before the Panel it appears that the Respondent has no reason to use the disputed domain other than to cause and profit from confusion or propensity to cause confusion with the Complainant's well-known mark.

The Panel infers from this that the disputed domain name was registered in bad faith. By retaining the disputed domain name and not addressing the cease and desist letter and reminders sent by the Complainant's representatives, the Respondent is using it in 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

The disputed domain name consists of the Complainant's well-known and distinctive registered mark followed by an acronym descriptive of many of the Complainant's products and the generic top level domain suffix. The domain name is plainly confusingly similar to this mark.

The Respondent has not used the disputed domain name or a corresponding name for any bona fide purpose, is not commonly known by such a name, and has not been authorised by the Complainant to use it. The Respondent has no rights or legitimate interests in the disputed domain name.

The Respondent registered the disputed domain name long after the Complainant adopted its well-known mark. The Respondent had no reason to register and retain it other than to profit in bad faith from confusion or propensity for confusion with the Complainant's mark.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

- 1. **NOVARTISCEP.COM**: Transferred

PANELLISTS

Name	Jonathan Turner
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DATE OF PANEL DECISION 2022-02-15

Publish the Decision