Decision for dispute CAC-UDRP-106063

Case number	CAC-UDRP-106063
Time of filing	2023-12-13 10:33:55
Domain names	beohringer-ingelhiem.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Boehringer Ingelheim Pharma GmbH & Co.KG

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Randy Jones

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 holder of International trademark BOEHRINGER INGELHEIM with No. 221544, registered since July 2, 1959; and with No.568844 registered since March 22, 1991 for multiple goods in many jurisdictions (the "Trademark").

FACTUAL BACKGROUND

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

The Complainant claims to be 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, Germany. Ever since, the Complainant has become a global research-driven pharmaceutical enterprise and has today 53,000 employees. In 2022, net sales of the Complainant amounted to EUR 24.1 billion. The Complainant also owns multiple domain names consisting in the Trademark, such as <boehringer-ingelheim.com> which was registered since September 1, 1995.

The disputed domain name was registered on December 4, 2023 and resolves to an inactive website with MX servers configured.

The Complainant contends that the disputed domain name is distinctive and has a reputation, and that the disputed domain name is the result of a typosquatting practice.

According to the Complainant the Respondent does not have any rights or legitimate interest in the disputed domain name, and is neither affiliated with nor authorized by the Complainant to use the Trademark in the disputed domain name. Furthermore, the Respondent's non-use of the disputed domain name confirms that the Respondent has no demonstrable plan to use the disputed domain name.

Finally, the Complainant claims that the Trademark is distinctive and well-known and that the typosquatting shows that the Respondent registered the disputed domain name full knowledge of the Trademark. According to the Complainant, the disputed domain name resolves to an inactive page, and the Respondent has not demonstrated any activity in respect of the disputed domain name, and it is not possible to conceive of any plausible actual or contemplated active use of the disputed domain name by the Respondent that would not be illegitimate, such as by being a passing off, an infringement of consumer protection legislation, or an infringement of the Complainant's rights under trademark law. Further, the configuration of MX servers which suggests that, despite being inactive, the disputed domain name may be actively used for email purposes. On these bases, the Complainant concludes that the Respondent has registered and is using the disputed domain name in bad faith.

PARTIES CONTENTIONS

The Complainant´s contentions are summarised above.

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

The Panel finds that the disputed domain name is confusingly similar to the Trademark as the only difference is the inversion of the first and last two vowels of the Trademark in the disputed domain name, difference does not take away the likelihood of confusion and which the Panel considers an obvious attempt of the Respondent to take advantage of the Internet user who makes an error when typing in the Trademark as a domain name.

The Panel finds that the Complainant successfully submitted prima facie evidence that the Respondent was not commonly known under the disputed domain name or authorized by the Complainant to register and use the disputed domain name. This prima facie evidence was not challenged by the Respondent.

The Panel is satisfied that the Trademark is distinctive and enjoyed a reputation well before the Respondent registered the disputed domain name. As the disputed domain name misspells the Trademark it constitutes an obvious form of typosquatting, from which the Panel infers that the Respondent must have had the Trademark in mind when it registered the disputed domain name. The Panel further infers from the fact that the Respondent has undisputedly set up MX records, and also noting the nature of the disputed domain name, that there is no conceivable or plausible use of the disputed domain name by the Respondent that would not

be illegitimate. Accordingly, the Panel finds that the Complainant succeeded in proving that the Respondent 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. **beohringer-ingelhiem.com**: Transferred

PANELLISTS

Name	**Alfred Meijboom**

DATE OF PANEL DECISION 2024-01-13

Publish the Decision