

Decision for dispute CAC-UDRP-106753

Case number	CAC-UDRP-106753
Time of filing	2024-08-13 10:26:40
Domain names	valdoxan.xyz, daflon.xyz

Case administrator

Name	Olga Dvořáková (Case admin)
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Complainant

Organization	BIOFARMA
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Complainant representative

Organization	Tristan Verna (IP TWINS)
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Respondent

Organization	Mei Wang (Organization: Super Privacy Service LTD c/o Dynadot)
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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 names.

IDENTIFICATION OF RIGHTS

Complainant is the owner of trademarks for DAFLON and VALDOXAN including, but not limited to:

- Community Trademark Registration DAFLON n°010567592, dated January 17, 2012, duly renewed and covering products in international class 05;
- International Trademark Registration DAFLON n°1172325, dated June 21, 2013, duly renewed and covering products in international classes 03, 05, 10 and 25, designating China and the Russian Federation among other countries;
- Community Trademark Registration VALDOXAN n°002432904, dated October 31, 2001, duly renewed and covering products in international classes 05;
- International Trademark Registration VALDOXAN n°783177, dated April 26, 2002, duly renewed and covering products in international class 05, designating Australia, Japan, China and the Russian Federation among other countries.

FACTUAL BACKGROUND

The disputed domain names were registered by the Respondent on June 1 and June 7, 2024. Both disputed domain names are advertised for sale at the same price (1450 USD) by a seller identified as "pace.domains".

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain names should be transferred to it. No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names are 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). The Complainant's trademarks consist of the words "Daflon" and "Valdoxan". The second levels of the disputed domain names are identical to these trademarks of the Complainant.

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 names (within the meaning of paragraph 4(a)(ii) of the Policy). The Complainant states that it has searched but is unable to find:

- any use by the Respondent or demonstrable preparation to use the disputed domain names or a name corresponding to the disputed domain names in connection with a bona fide offering of goods or service either prior to or subsequent to registration of the disputed domain names;
- any prior rights of the Respondent to "Daflon" or "Valdoxan" as a trademark, company name, trade or business name or any other prior use of same in the course of business;
- any indication that the Respondent has been commonly known by the disputed domain names either as an individual, business or other organization;
- any indication that the Respondent is making a legitimate noncommercial or fair use of the disputed domain names, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Respondent has not appeared to dispute any of these allegations. Therefore, the Panel finds that the Complainant has met its prima facie burden on this element, which is un rebutted by the Respondent.

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names have been registered and are being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy). The Complainant argues that "Daflon" and "Valdoxan" are fanciful, arbitrary, distinctive terms for pharmaceutical products broadly available around the globe, which makes it highly unlikely that the Respondent did not know about the Complainant before the registration of the disputed domain names. Moreover, the Complainant's trademark registrations predate the registrations of the disputed domain names by well over 20 years. The Complainant submits that it is highly likely that the Respondent specifically chose the disputed domain names because of them being identical with trademarks in which the Complainant has rights and legitimate interest. The Panel agrees that this was most likely done in the hope and expectation that the Complainant would purchase the disputed domain name to the Respondent. This qualifies as bad faith registration under paragraph 4(b)(i) of the Policy. Moreover, both disputed domain names redirect towards pages offering the disputed domain names for sale at sums well above out-of-pocket costs of the disputed domain names registrations. Such uses fall within paragraph 4(b)(i) of the Policy and are a clear indicator of the Respondent bad faith.

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 Respondent specifically chose the disputed domain names because of them being identical with trademarks owned by the Complainant. Both disputed domain names redirect towards pages offering the disputed domain names for sale at sums well above out-of-pocket costs of the disputed domain names registrations.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

- 1. **valdoxan.xyz**: Transferred
- 2. **daflon.xyz**: Transferred

PANELLISTS

Name	Mike Rodenbaugh
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DATE OF PANEL DECISION	2024-09-21
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Publish the Decision