# Decision for dispute CAC-UDRP-106812

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| Case number | CAC-UDRP-106812 |
| Time of filing | 2024-08-27 09:14:45 |
| Domain names | biomereiuix.com |

## Case administrator

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|---|---|
| Name | Olga Slanařová (Case admin) |

## Complainant

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| Organization | bioMérieux |

## Complainant representative

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|---|---|
| Organization | Plasseraud IP |

## Respondent

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|---|---|
| Name | Nhi Tran |

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 the following registrations of the word mark BIOMERIEUX (amongst other registered marks):

- International Trademark no. 933598 registered on 12 June 2007 in classes 1, 5, 9 and 10;
- International Trademark no. 1392389 registered on 25 October 2017 in classes 35, 37, 41, 42 and 44.

FACTUAL BACKGROUND

The Complainant and its subsidiaries carry on an international business in biotechnology, particularly diagnostic solutions, under the name and mark bioMérieux. The business serves over 160 countries and has annual sales of 3.6 billion Euros. The Complainant has registered BIOMERIEUX as its trademark, including the registrations set out above. The Complainant has also registered domain names containing "biomerieux", including <biomerieux.com>, <biomerieux.net> and <biomerieux.org>.

The disputed domain name, <biomereiuix.com> was registered on 20 August 2024. It does not locate any web page and internet searches do not identify any use of the name "biomereiuix" by the Respondent.

PARTIES CONTENTIONS

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

RIGHTS

The Panel finds that the Complainant has registered rights in the mark BIOMERIEUX.

The disputed domain name consist of a word identical to this distinctive mark, except that the letters "ieux" are replaced by "eiuix", followed by the generic top level domain name suffix, .com. The Panel considers that the disputed domain name is confusingly similar to the Complainant's mark. In the Panel's view, this is a case of typosquatting.

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 Panel finds on the undisputed evidence that the Respondent has not used the disputed domain name or any other corresponding name for any bona fide offering of goods or services or for any legitimate non-commercial or fair use and that the Respondent is not commonly known by the disputed domain name or any corresponding name. The Complainant has not authorised the Respondent to use the disputed domain 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

On the undisputed evidence, the Panel considers that there is no plausible use of the disputed domain name in good faith. Accordingly the Panel infers that it was registered in bad faith and that its retention by the Respondent constitute passive use 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 is a typosquat of the principal mark of a substantial international pharmaceutical business. The Respondent has not used the disputed domain name or any corresponding name and has no rights or legitimate interests in it. There is no plausible good faith use of the disputed domain name, so bad faith registration and use are inferred.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **biomereiuix.com**: Transferred

## PANELLISTS

| Name | Jonathan Turner |
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DATE OF PANEL DECISION 2024-10-10

Publish the Decision