Decision for dispute CAC-UDRP-106888

Case number	CAC-UDRP-106888
Time of filing	2024-09-24 09:29:16
Domain names	snovartis.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	Novartis AG

Complainant representative

Organization	Abion GmbH

Respondent

Name	Carolina Rodrigues

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 the owner of the registered well-known trademark NOVARTIS in numerous jurisdictions all over the world, including in Panama.

FACTUAL BACKGROUND

The Complainant's trademark registrations predate the registration of the disputed domain name <snovartis.com>, which was registered on July 31, 2024. At the time the Complainant found out about the disputed domain name <snovartis.com> on August 8, 2024, the disputed domain name resolved to Pay Per Click (“PPC”) page displaying various sponsored links. Similarly, at the time of filing of the complaint on 20 September 2024, the disputed domain name also resolved to a PPC page displaying various sponsored links. Moreover, at the time of filing of this amended complaint, the disputed domain name also resolves to a to PPC page displaying various sponsored links. The PPC page associated to the disputed domain name displays relevant sponsored links which clearly refer to the Complainant and its business activities, such as “Pharmaceutical Sales” and “Drug Study”. Upon clicking these links, Internet users are invited to visit other websites related to “Pharmaceutical Market Reports” and “Drug Testing Marketing Reports”, among others.

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 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). The disputed domain name <snovartis.com> incorporates, in its second level-portion the Complainant's well-known trademark NOVARTIS in its entirety, preceded by the letter "s". The NOVARTIS trademark is clearly recognizable in the disputed domain name. The disputed domain name is therefore confusingly similar to the Complainant's NOVARTIS trademark.

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). The Complainant states that it has never granted the Respondent with any rights to use the NOVARTIS trademark in any form, including in the disputed domain name. Furthermore, Complainant states that when searching for any trademarks incorporating the disputed domain name terms "snovartis" and "s novartis" on online trademark search platforms, no registered trademarks are to be found. The Respondent has been granted an opportunity to present arguments that they have rights or legitimate interests in the disputed domain name but has failed to do so. This behavior, coupled with the absence of use of the disputed domain name in connection with a bona fide offering of goods and services, further demonstrates the Respondents' absence of rights or legitimate interests in respect of the disputed domain name.

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). At the time of filing of the complaint on 20 September 2024, the disputed domain name resolved to a PPC page displaying various sponsored links. Moreover, at the time of filing of the amended complaint, the disputed domain name also resolved to a to PPC page displaying various sponsored links. PPC pages generate revenues when Internet users click on the links displayed therein. The Respondent likely obtained a financial benefit when Internet users clicked on the aforementioned links. Such use of the disputed domain name aims at attracting Internet users for commercial gain by creating a likelihood of confusion with the Complainant's NOVARTIS trademark as to the sources, sponsorship, affiliation, or endorsement of the aforementioned PPC page. That is a clear indication of bad faith under the Policy.

Moreover, the Respondent under the name "Carolina Rodrigues" with the e-mail address fundacionprivacy@protonmail.com has already appeared in similar UDRP proceedings raised by the Complainant, Novartis AG, however with different address details. And, the Respondent has been involved in several other UDRP proceedings which illustrate a pattern of bad faith domain name registration.

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

Use of the disputed domain name aims to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's NOVARTIS trademark as to the sources, sponsorship, affiliation, or endorsement of the aforementioned PPC page, coupled with a pattern of previous cybersquatting behavior.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **snovartis.com**: Transferred

PANELLISTS

Name	**Mike Rodenbaugh**

DATE OF PANEL DECISION 2024-10-23

Publish the Decision