Decision for dispute CAC-UDRP-107150

Case number	CAC-UDRP-107150
Time of filing	2024-12-13 09:34:18
Domain names	novartisegypt.com

Case administrator

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

Complainant

Organization	Novartis AG

Complainant representative

Organization	Abion GmbH

Respondent

Organization	asegurance qs

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 several national and international trademark registrations for “NOVARTIS”, including:

- International trademark NOVARTIS n° 663765 registered on July 1, 1996, also designating Egypt;
- International trademark NOVARTIS n° 1349878 registered on November 29, 2016, also designating Egypt;
- International trademark NOVARTIS n° 1544148 registered on June 29, 2020.

The Complainant also owns the domain name <novartis.com> since 1996.

FACTUAL BACKGROUND

The Complainant states that it is a Swiss company and one of the biggest global pharmaceutical and healthcare groups worldwide, with net sales of USD 45.4 billion, a total net income amounted to USD 14.9 billion and approximately 76.000 employees as of 2023.

The Complainant further states that it is the owner of the well-known trademark “NOVARTIS” since the 90's and of various domain names, such as the domain name <novartis.com>.

The disputed domain name was registered on November 11, 2024 and it currently resolves to an inactive webpage, while it was

previously connected to a parking page with third-party commercial links.

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).

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 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 <novartisegypt.com> is confusingly similar to the trademark “NOVARTIS”, as the addition of the geographical name EGYPT is quite irrelevant and not sufficient to escape such finding; on the contrary, since the Complainant has both a current business activity and legitimate earlier registered rights in Egypt, such addition will actually increase the confusing similarity.

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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).

According to the WIPO case No. D2003-0455, Croatia Airlines d. d. v. Modern Empire Internet Ltd., the Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests. Once such prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a) (ii) of the Policy.
In the case at hand, the Respondent is not affiliated with the Complainant nor authorized by it in any way to use the trademark “NOVARTIS”. The Complainant does not carry out any activity for, nor has any business with the Respondent. The disputed domain name is parked: therefore, the Respondent did not make any use of disputed domain name since its registration, and it confirms that Respondent has no demonstrable plan to use the disputed domain name. It demonstrates a lack of legitimate interests in respect of the disputed domain name.

The Respondent did not provide any reply to the Complaint in order to support it reasons for having registered the disputed domain name and - after having received a C&D letter from the Complainant - it simply argued that it was registered "for academic and non-commercial purposes", without substantiating such statement with any evidence.

The Panel believes that the Respondent has no rights or legitimate interests to the disputed domain name <novartisegypt.com>.

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The Panel finds that the Complainant successfully submitted prima facie evidence that the Respondent has made no use of, or demonstrable preparations to use, of the disputed domain name neither in connection with a bona fide offering of goods or services, nor is making a legitimate non-commercial or fair use of the disputed domain name.

Given the distinctiveness of the Complainant's trademark and reputation, it is reasonable to infer that the Respondent has registered the domain name with full knowledge of the Complainant's trademark “NOVARTIS”. See for instance WIPO Case No. D2004-0673, Ferrari S.p.A v. American Entertainment Group Inc.

Furthermore, as the disputed domain name currently resolves to an inactive webpage, it is actually not possible to conceive of any plausible actual or contemplated active use of the 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.

In any case, also the previous redirect of the disputed domain name toward a parking page with PPC links clearly was a use aimed at attracting Internet users for commercial gain by creating a likelihood of confusion with the Complainant’s trademark "NOVARTIS" as to the sources, sponsorship, affiliation, or endorsement of the aforementioned PPC page.

In the absence of real evidence in the merits of the case from the Respondent and given the reputation of the Complainant and its trademarks, the Panel infers that the Respondent had the Complainant's trademarks “NOVARTIS” in mind when registering the disputed domain name. Consequently, the Panel believes that the same was registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **novartisegypt.com**: Transferred

PANELLISTS

Name	**Tommaso La Scala**

DATE OF PANEL DECISION 2025-01-18

Publish the Decision