

Decision for dispute CAC-UDRP-107230

Case number CAC-UDRP-107230

Time of filing 2025-01-09 08:53:07

Domain names niovartis.com

Case administrator

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

Complainant

Organization Novartis AG

Complainant representative

Organization Abion GmbH

Respondent

Name Shful wise

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

Novartis AG ("Novartis" or "Complainant") is the owner of various registrations for the trademark NOVARTIS on a worldwide basis. Trademark NOVARTIS is registered as both a word and figurative mark in several classes worldwide, including the United States of America. The vast majority of the Complainant's trademark registrations significantly predates the registration of the disputed domain name (December 10, 2024), inter alia, international trademark NOVARTIS (WIPO Reg. No. 663765) registered on July 1, 1996, in classes 1, 2, 3, 4, 5, 7, 8, 9, 10, 14, 16, 17, 20, 22, 28, 29, 30, 31, 32, 40, 42.

FACTUAL BACKGROUND

Novartis is a global pharmaceutical company, active globally as early as of 2004 according to the local public media and its activities have been increasing since then. In 2023, Novartis achieved net sales of USD 45.4 billion, and total net income amounted to USD 14.9 billion and employed approximately 76 000 full-time equivalent employees as of December 31, 2023. Previous UDRP panels have stated that the NOVARTIS trademark is well-known (see Novartis AG v. Amartya Sinha, Global Webs Link, Novartis RO, WIPO Case No. D2020-3203). The Complainant owns numerous domain names composed of its trademark NOVARTIS alone, including <novartis.com> (created on April 2, 1996). The Complainant enjoys a strong presence online also via its official social media platforms.

The disputed domain name <niovartis.com> was registered on December 10, 2024, by the American resident nicknamed „Shful

wise". This domain name is the typosquatting of the Complainant's trademark and the inserted letter "i" does not make any significant difference from the well-known, distinctive trademark NOVARTIS.

The disputed domain name is not used.

On December 16, 2024, the Complainant sent a Cease-and-Desist Letter to the Respondent. The Respondent did not reply. The Complainant also sent reminders to the Respondent on December 26, 2024, and December 30, 2024, but there was no response from 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 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 agrees with the Complainant that the disputed domain name <niovartis.com> is confusingly similar to the Complainant's trademark NOVARTIS. Considering the renown of the Complainant and its trademark NOVARTIS, it becomes evident that merely inserting the letter "i" in the middle of the trademark does not set aside the confusing similarity between the disputed domain name and the Complainant's trademark (section 1.9 of WIPO Overview 3.0 states: "A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element.").

The Panel acknowledges that the Complainant presented prima facie evidence that the Respondent is not sponsored by or affiliated with the Complainant in any way. Furthermore, the Complainant has not licensed, authorized, or permitted the Respondent to use the Complainant's trademarks in any manner, including in domain names. The Respondent's name does not resemble the disputed domain name in any manner. The Respondent's use of the disputed domain names does not constitute a bona fide offering of goods or services or a legitimate non-commercial or fair use.

As no administratively compliant response has been provided to the Panel and the prima facie evidence was not challenged by the Respondent, the Panel concludes that the Respondent meant the Complainant's trademark NOVARTIS when he/she registered the disputed domain name (see WIPO Overview 3.0, para. 3.1.1). Previous UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. Accordingly, the Panel finds that the disputed domain name was registered in bad faith.

The disputed domain name is inactive. From the inception of the UDRP, previous panellists have found that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. Having regard to the notoriety of the Complainant’s trademark, the failure of the Respondent to reply to a cease and desist letter and to submit a response in this UDRP proceeding, the high probability of the Respondent’s use of false contact details and the implausibility of any good faith use, the Panel concludes that the disputed domain name is being used in bad faith (section 3.3 of WIPO Overview 3.0).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **niovartis.com**: Transferred

PANELLISTS

Name	Darius Sauliūnas
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DATE OF PANEL DECISION **2025-02-09**

Publish the Decision
