

## Decision for dispute CAC-UDRP-107267

Case number **CAC-UDRP-107267**

Time of filing **2025-01-29 09:09:33**

Domain names **novartispakistan.com**

### Case administrator

Name **Olga Dvořáková (Case admin)**

### Complainant

Organization **Novartis AG**

### Complainant representative

Organization **Abion GmbH**

### Respondent

Organization **Mehar Ahmed Khan (JobMak)**

#### 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 <novartispakistan.com>.

#### IDENTIFICATION OF RIGHTS

Novartis AG (the "Complainant") is the owner of the registered well-known trademark NOVARTIS in numerous jurisdictions all over the world, including in Pakistan. These trademark registrations predate the registration of the disputed domain name <novartispakistan.com>, such as but not limited to:

- Pakistan Trademark: NOVARTIS, Reg. No. 134437, Registration Date: February 27, 1996
- Pakistan Trademark: NOVARTIS, Reg. No. 135177, Registration Date: April 9, 1996
- International trademark: NOVARTIS, Reg. No. 663765, Registration Date: July 1, 1996
- International trademark: NOVARTIS, Reg. No. 1544148, Registration Date: June 29, 2020
- US trademark: NOVARTIS, Reg. No. 4986124, Registration Date: June 28, 2016
- US trademark: NOVARTIS, Reg. No. 6990442, Registration Date: February 28, 2023
- EU trademark: NOVARTIS, Reg. No. 304857, Registration Date: June 25, 1999

The Complainant owns numerous domain names composed of either its trademark NOVARTIS alone, including <novartis.com> (created on 2 April 1996), <novartis.us> (created on 19 April 2002), <novartis.pk> (created on 7 August 2013) or in combination with other terms, such as <novartispharma.com> (created on 27 October 1999). The Complainant uses these domain names to resolve to its official websites through which it informs Internet users and potential consumers about its NOVARTIS mark and its related products and

services.

The Complainant also enjoys a strong presence online via its official social media platforms. Moreover, the Complainant uses multiple social media platforms under the name “Novartis Pakistan”.

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#### FACTUAL BACKGROUND

The Complainant is a global pharmaceutical and healthcare company based in Switzerland that provides solutions to address the evolving needs of patients worldwide by developing and delivering innovative medical treatments and drugs. Novartis AG was created in 1996 through a merger of two other companies Ciba-Geigy and Sandoz. In 2023, the Complainant 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.

The disputed domain name <novartispakistan.com> was registered on January 3, 2025.

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#### PARTIES CONTENTIONS

##### COMPLAINANT:

- The disputed domain name is identical or confusingly similar to the protected mark

According to the Complainant, the disputed domain name <novartispakistan> incorporates entirely the Complainant’s well-known, distinctive trademark NOVARTIS followed by the relevant geographical term “pakistan”. The Complainant reiterates that it has an active business presence in Pakistan. Moreover, the Complainant uses multiple social media platforms under the name “Novartis Pakistan”.

The NOVARTIS trademark is clearly recognizable in the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“WIPO Jurisprudential Overview 3.0”) 3.0 para. 1.8 states: *“Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. The nature of such additional term(s) may however bear on assessment of the second and third elements”.*

In a similar case involving the Complainant, the Panel concluded that the “disputed domain name, <novartismexico.com>, consists of the distinctive element “NOVARTIS” followed by the geographical term “Mexico” and the Top-Level domain “.com”. The term “Mexico” is descriptive and non-distinctive in relation to the domain name <novartismexico.com> [...] Since the Complainant’s trademark “NOVARTIS” is fully comprised within the disputed domain names that the additional elements have lower degree of distinctiveness, the Panel considers that the domain names are confusingly similar to Complainant’s previously registered trademarks.” (See Novartis AG v. Sofia Vergara, Avior Administracion, CAC-UDRP-106560).

In addition, the presence of the generic Top-Level Domain (“gTLD”) extension “.com” in the first level portion of the disputed domain name is a standard registration requirement and may be disregarded when assessing whether the disputed domain name is confusingly similar to the trademark in which the Complainant has rights (see *Rollerblade, Inc. v. Chris McCrady*, WIPO Case No. D2000-0429; *Can Pro Pet Products LTD. v. Matthew Dweck*, WIPO Case No. D2020-0615; *Sanofi v. Aamir Hitawala*, WIPO Case No. D2021-1781).

Therefore, the Complainant argues that the disputed domain name is confusingly similar to the Complainant's NOVARTIS trademark within the meaning of Paragraph 4(a)(i) of the Policy.

- The Respondent does not have any rights or legitimate interest in the disputed domain name

The Complainant states that it has never granted the Respondent any right to use the NOVARTIS trademark within the disputed domain name, nor is the Respondent affiliated with the Complainant in any form.

The Complainant has not found that the Respondent is commonly known by the disputed domain name or that it has legitimate interest in the disputed domain name or the major part of it. When searching for “novartispakistan” or “novartis pakistan” in the Google search engine, the returned results directly relate to the Novartis group, the subsidiary ‘Novartis Pharmaceuticals Pakistan’, the Complainant, as well as its website, its social media’s accounts or related topics. When entering the disputed domain name terms along with the name of the Respondent “Mehtar Ahmed Khan” and organization name “JobMak”, there are no returned results showing that the Respondent is known by the disputed domain name.

Furthermore, when searching for any trademarks incorporating the disputed domain name “novartispakistan” or “novartis pakistan” on online trademark search platforms, no registered trademarks are to be found. When searching for any trademarks in the name of the Respondent “Mehtar Ahmed Khan” and organization name “JobMak”, there are also no results related to the disputed domain name terms to be found.

According to the Complainant, the Respondent could have easily performed a similar search before registering the disputed domain name and would have quickly learned that the trademarks are owned by the Complainant and that the Complainant has been using its trademark for its business activities. However, the Respondent still chose to register the disputed domain name as such.

At the time the Complainant found out about the disputed domain name on January 7, 2025, it resolved to a parking page with “pay per click” (“PPC”) links. The PPC page associated with the disputed domain name displayed relevant sponsored links that clearly refer to the Complainant and its business activities, such as “Antibodies Production” and “Pharmaceutical Company”. Upon clicking these links, Internet users were invited to visit other websites related to “Pharmaceutical Processes” and “Pharma Contract Manufacturers”, among others.

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.

At the time of filing of the Complaint, the disputed domain name resolved to an inactive page. Similarly, at the time of filing the Amended Complaint, the disputed domain name still resolves to an inactive page. The disputed domain name is not being used in connection with bona fide offering of goods or services, i.e., there is “no available evidence that the Respondent engages in, or has engaged in any activity or work, i.e., legitimate or fair use of the disputed domain name, that demonstrates a legitimate interest in the disputed domain name” (see *Bollore v. Tywonnia W Hill*, WIPO Case No. DCO2017-0012).

The disputed domain name is thus being passively held. There is no evidence showing that the Respondent has been using, or preparing to use, the disputed domain name in connection with a bona fide offering of goods and services or has made a legitimate noncommercial or fair use of the disputed domain name. In similar circumstances, it has been decided that when “the Respondent has failed to make use of the resolving website and has not demonstrated any attempt to make legitimate use of the disputed domain name and website (see *Skandinaviska Enskilda Banken AB v. Nick Jones*, WIPO Case No. D2021-0703; see also *ArcelorMittal (Société Anonyme) v. Registration Private, Domains By Proxy, LLC / Joel Tinoco, Pixel Design Costa Rica*, WIPO Case No. D2021-0909).

Moreover, the structure of the disputed domain name – incorporating in its second level portion the Complainant’s well-known trademark *NOVARTIS* followed by the geographical term “pakistan” reflects the Respondent’s intention to create an association, and a subsequent likelihood of confusion, among Internet users’ mind. The disputed domain name in its structure directly refers to the Complainant and its trademarks.

It therefore appears that the Respondent deliberately chose to use the well-known trademark *NOVARTIS* in the disputed domain name to benefit from the Complainant’s worldwide renowned trademark and to confuse Internet users as to the source of the disputed domain name. Such use of the disputed domain name cannot therefore be considered as a bona fide offering of goods or services nor as legitimate noncommercial or fair use.

It therefore appears that the Respondent deliberately chose to use the well-known trademark *NOVARTIS* in the disputed domain name to benefit from the Complainant’s worldwide renown trademark and to confuse Internet users as to the source of the disputed domain name. Such use of the disputed domain name cannot therefore be considered as a *bona fide* offering of goods or services nor as legitimate noncommercial or fair use.

In addition, when the Complainant found out about the registration of the disputed domain name, on January 7, 2025, they sent a Cease-and-Desist Letter to the Registrant. The Complainant further sent reminders on January 17, 2025, and January 22, 2025, but there was no response.

Therefore, the Complainant contends that the Respondent has no right nor legitimate interest in respect of the disputed domain name, within the meaning of the Paragraphs 4(a)(ii) and (4)(c) of the Policy.

- The disputed domain name has been registered and is being used in bad faith

According to the Complainant, the Respondent had knowledge of the Complainant and the *NOVARTIS* trademark at the time of the registration of the disputed domain name. The Complainant states that the registration of the Complainant’s well-known and distinctive trademarks significantly predates the registration of the disputed domain name. The Respondent has never been authorized by the Complainant to register and use the disputed domain name.

As previously mentioned, the structure of the disputed domain name reflects the Respondent’s intention to create an association, and a subsequent likelihood of confusion, with the Complainant, its *NOVARTIS* trademark and the Novartis group in Internet users’ minds, as by reading the disputed domain name, Internet users may believe that it is directly connected to or authorized by the Complainant. In this regard, previous UDRP Panels have consistently found that the mere registration of a domain name that is confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith.

At the time the Complainant found out about the disputed domain name on January 7, 2025, it resolved to a parking page with PPC links. The PPC page associated with the disputed domain name displayed relevant sponsored links which clearly refer to the Complainant and its business activities, such as “Antibodies Production” and “Pharmaceutical Company”. Upon clicking these links, Internet users were invited to visit other websites related to “Pharmaceutical Processes” and “Pharma Contract Manufacturers”, among others.

In addition, at the time of filing of the Complaint, the disputed domain name resolved to an inactive page. Consequently, the disputed domain name is thus being passively held. In the present case, several factual considerations are clear indicators of bad faith use under the passive holding doctrine.

- The disputed domain name comprises the Complainant’s well-known trademark *NOVARTIS*, followed by the geographical term “pakistan”, a country where the Complainant has an active business presence.
- The disputed domain name is currently passively held. There is therefore no evidence of any actual or contemplated good-faith use of the disputed domain name, as previous UDRP Panels held (see *British Airways Plc. v. David Moor*, WIPO Case No. D2006-1224).
- When the Complainant found out about the registration of the disputed domain name, on January 7, 2025, a Cease-and-Desist Letter was sent to the Registrant, through the privacy email listed on the publicly available Whois records. In the Cease-and-Desist Letter, the Complainant advised the Respondent that the unauthorized use of their trademark within the disputed domain name violates their trademark rights and requested a voluntary transfer of the disputed domain name. The Complainant further sent reminders on January 17, 2025, and January 22, 2025, but there was no response. The Respondent had a chance to provide evidence of actual or contemplated good-faith use of the disputed domain name but failed to do so, which infers bad faith (see *NetBet Enterprises Ltd v. Global Domain Privacy Services Inc. / Tilok Nokar*, WIPO Case No. D2020-0048).
- It is likely that the Respondent is trying to conceal its identity regarding the ownership of the disputed domain name – as their name and contact details are covered by a privacy shield in the corresponding publicly available Whois records – which is further evidence of bad faith (*Instagram, LLC v. Registration Private, Domains By Proxy, LLC / Murat Sander*, WIPO Case No. D2021-0526).

Therefore, the Complainant contends that the Respondent has registered and used the disputed domain name in bad faith and its conduct falls within the meaning of Paragraph 4(a)(iii) of the Policy.

#### RESPONDENT:

In the Response to the Complaint dated February 6, 2025, and the Second Response of the same date, the Respondent asserts that the disputed domain name was registered for a legitimate purpose—namely, to promote new skills, technologies, and educational advancements in Pakistan.

The Respondent acknowledges that the Complainant's trademark *NOVARTIS* is well-known; however, they argue that the addition of a geographical term such as “Pakistan” does not create confusing similarity under the UDRP.

The Respondent contends that the disputed domain name was registered with the intention of establishing a platform to provide information and services related to new skills, technologies, and education in Pakistan. They assert that “*Novartis Pakistan*” is not exclusively associated with the Complainant, as it consists of a combination of a generic term (“Novartis”) and a geographical identifier (“Pakistan”). Consequently, the Respondent claims to have legitimate rights and interests in the disputed domain name.

According to the Respondent, the Complainant has not provided any evidence demonstrating exclusive rights to the term *Novartis* in combination with geographical identifiers such as “Pakistan.” The Respondent argues that “Pakistan” is a purely descriptive geographical term that cannot be monopolized by any single entity. As a result, the combination of “Novartis” and “Pakistan” in the disputed domain name *<novartis-pakistan.com>* is descriptive in nature and does not infringe upon the Complainant's trademark rights.

The Respondent further asserts that the disputed domain name was neither registered nor used in bad faith. At the time of registration, the Respondent claims they were unaware of the Complainant’s specific trademark rights in Pakistan and had no intention of targeting the Complainant or its business.

Additionally, the Respondent denies that the disputed domain name was ever used to display pay-per-click (PPC) ads. They argue that any such activity would have resulted from default settings imposed by Namecheap and was not the Respondent’s action. Furthermore, the Respondent maintains that the disputed domain name has never been activated or used for any business purpose, and the claim regarding PPC ads is incorrect. They reiterate that any PPC links allegedly associated with the domain name were automatically generated by Namecheap’s default settings and were not actively placed by the Respondent.

The Respondent further claims that if the disputed domain name were vital to the Complainant’s business, they should have secured it years ago. The fact that the Complainant waited an unreasonable amount of time to register the domain name weakens their case.

Moreover, according to the Respondent, the principle of *passive holding* alone is insufficient to establish bad faith under the UDRP.

In conclusion, the Respondent asserts that the disputed domain name is not confusingly similar to the Complainant’s trademark, was registered with a legitimate purpose, and was neither registered nor used in bad faith.

#### COMPLAINANT (Supplemental filing):

Further to the Respondent's Response of February 6, 2025, the Complainant reiterates the arguments and position expressed in the Complaint and Amended Complaint.

In response to the Respondent's claims that the disputed domain name is entirely inactive and that the PPC links were not placed by the Respondent, reference is to be made to Annex to the Complaint, showing the parking page with PPC links and clearly stating at the bottom of the parking page that: "This webpage was generated by the domain owner".

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#### 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).

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#### 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).

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#### 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).

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#### PROCEDURAL FACTORS

##### Preliminary issues – the Complainant's unsolicited supplemental filing

On February 12, 2025, the Complainant submitted an unsolicited supplemental filing, reiterating the arguments and position expressed in the Complaint and Amended Complaint.

Paragraph 10 of the Rules grants panels the authority to determine the admissibility, relevance, materiality, and weight of evidence, as well as to conduct the proceedings with due expedition.

Accordingly, unsolicited supplemental filings are generally discouraged unless specifically requested by the Panel under its general powers pursuant to paragraph 12 of the Rules. See *WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition* ("WIPO Overview 3.0"), section 4.6. Prior WIPO decisions have held that supplemental filings should only be permitted where they contain "new, pertinent facts that did not arise until after the submission of the complaint" (*Gordon Sumner, p/k/a Sting v. Michael Urvan*, D2000-0596).

Having reviewed the Complainant's unsolicited supplemental filing, the Panel finds that it does not contain significant material that could not have been included in the original Complaint. Nor does it present information of such importance that it would be critical to the outcome of the case. The Panel further notes that the supplemental filing does not introduce any new information. The Panel is already aware of the reference in Annex of the Complaint (or Amended Complaint), which displays the parking page with PPC links, clearly stating: "This webpage was generated by the domain owner."

Under these circumstances, the Panel determines that the Complainant's unsolicited supplemental filing is not admissible in this proceeding.

For all the reasons stated above, the Panel is satisfied that all procedural requirements under the UDRP have been met and that there is no reason why issuing a decision would be inappropriate.

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#### PRINCIPAL REASONS FOR THE DECISION

The UNIFORM DOMAIN NAME DISPUTE RESOLUTION POLICY (UDRP) of the Internet Corporation for Assigned Names and Numbers (ICANN) (the "Policy") provides that complainant must prove each of the following to obtain transfer or cancellation of the domain name:

1. that respondent's domain name is identical or confusingly similar to a trademark or service mark in which complainant has rights; and

2. that respondent has no rights or legitimate interests in respect of the domain name; and

3. the domain name has been registered and is being used in bad faith.

### **1) The disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights**

The Panel is satisfied that the Complainant owns trademark registrations for *NOVARTIS* that predate the registration of the disputed domain name.

The disputed domain name consists of the Complainant's well-known *NOVARTIS* trademark combined with the geographical term "Pakistan." The Respondent has effectively appropriated the *NOVARTIS* trademark by adding a geographic term, "Pakistan," presumably to create the impression that the domain name is affiliated with the Complainant and its business.

Previous UDRP panels have consistently held that incorporating a complainant's registered trademark in its entirety within a domain name is sufficient to establish identity or confusing similarity under the Policy. See, e.g., *Oki Data Americas Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903. Furthermore, prior UDRP decisions have also consistently determined that the mere addition of a descriptive or generic term does not prevent a finding of confusing similarity to a trademark. See, e.g., *Minerva S.A. v. Domain Administrator, Fast Serv Inc. d.b.a. QHoster.com*, WIPO Case No. D2019-2767.

The Respondent acknowledges that the term "Pakistan" is generic and descriptive, as it refers to a geographical location rather than exclusively to the Complainant's business. However, under the UDRP, this argument is not relevant in determining confusing similarity.

The WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, section 1.8, states: "*Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity.*"

This principle has been consistently upheld in UDRP decisions, reinforcing that the mere addition of a geographical term does not sufficiently differentiate the domain name from the trademark to avoid a finding of confusing similarity.

Additionally, the disputed domain name fully incorporates the *NOVARTIS* trademark and also includes the generic top-level domain ("gTLD") ".com." Previous UDRP panels have consistently held that the presence of a gTLD such as ".com" is not relevant when assessing whether a domain name is identical or confusingly similar to a trademark. See, e.g., *Wiluna Holdings, LLC v. Edna Sherman*, FA 1652781 (Forum Jan. 22, 2016).

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's *NOVARTIS* trademark.

### **2) The Respondent lacks rights or legitimate interests in the disputed domain name**

Under the Policy, a complainant is required to establish a prima facie case that the respondent lacks rights or legitimate interests in the disputed domain name. Once such a prima facie case is made, the burden of production shifts to the respondent, who must provide appropriate allegations or evidence demonstrating rights or legitimate interests in a domain name. If the respondent fails to do so, the complainant is generally deemed to have satisfied paragraph 4(a)(ii) of the Policy. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Second Edition ("WIPO Overview 2.0"), paragraph 2.1.

The Panel finds that the Respondent has no legal right to use the term *NOVARTIS* as part of the disputed domain name. The Respondent is neither affiliated with the Complainant nor authorized to register or use the disputed domain name. The Panel concurs with the Complainant's argument that the Respondent has no legitimate interest in the domain name. Notably, when searching for "Novartis" and "Pakistan" in Google, the results primarily point to the Complainant and its business activities.

In the present case, the Respondent filed a Response(s) in which it had the opportunity to present evidence supporting its claimed rights or legitimate interests. However, the Panel notes that the Respondent has failed to provide any evidence substantiating such rights or interests. While the Respondent acknowledges the Complainant's well-established presence and reputation in the pharmaceutical industry, a simple Google search at the time of registration would have revealed the Complainant's trademark and brand. Accordingly, the Respondent has not provided sufficient evidence to convince the Panel of any legitimate interest in the disputed domain name.

Therefore, the Panel concludes that the Respondent lacks rights or legitimate interests in the disputed domain name.

### **3) The disputed domain name has been registered and is being used in bad faith**

The Panel agrees with the Complainant that its *NOVARTIS* trademark is distinctive and well known globally. The Complainant's trademark significantly predates the registration of the disputed domain name. The Panel finds no legitimate reason why the Respondent would register the Complainant's trademark as part of the disputed domain name, other than to create the impression that it is affiliated with the Complainant's business activities. Given the distinctiveness of the Complainant's trademark worldwide—including its established presence in Pakistan and its strong online presence—it is reasonable to infer that the Respondent registered the disputed domain name with full knowledge of the Complainant's rights.

The Panel finds that the disputed domain name is confusingly similar to the Complainant's well-known *NOVARTIS* trademark. The Complainant's use and registration of the trademark *NOVARTIS* significantly precede the registration of the disputed domain name. The fact that the Respondent registered a domain name incorporating the term *NOVARTIS* with the addition of the geographical term

“Pakistan”—despite the presence of the gTLD “.com”—clearly indicates that the Respondent was aware of the Complainant’s trademark at the time of registration. This is strong evidence of bad faith registration.

Moreover, the use of the geographical term “Pakistan” in conjunction with the *NOVARTIS* trademark further reinforces the impression that the disputed domain name is affiliated with the Complainant’s business in Pakistan. At the very least, the Respondent appears to be taking unfair advantage of the Complainant’s reputation and goodwill.

### *Doctrine of Laches Argument*

The Panel notes the Respondent’s argument regarding the Complainant’s delay in seeking to register the disputed domain name and the reference to the doctrine of laches. While laches—which pertains to unreasonable delay—may be a relevant factor in certain legal contexts, it has not been widely recognized as a determinative defence in UDRP proceedings. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“WIPO Overview 3.0”), section 4.17.

The UDRP is primarily designed to address bad faith registration and use of domain names rather than to resolve broader trademark disputes or issues related to delayed enforcement. The fact that the Complainant did not register the disputed domain name earlier does not negate its rights in the *NOVARTIS* trademark or its ability to seek redress under the UDRP if the Respondent’s registration and use of the domain name meet the criteria for bad faith.

Accordingly, while the Panel acknowledges the Respondent’s argument, it does not find that the delay in seeking the disputed domain name’s transfer constitutes a valid defence under the UDRP. The key considerations remain whether the Complainant has established rights in the *NOVARTIS* trademark and whether the Respondent registered and used the disputed domain name in bad faith.

### *Pay-Per-Click (PPC) Use and Bad Faith*

The Complainant has provided evidence that the disputed domain name displayed sponsored links directly related to the Complainant’s business. Under paragraph 4(c) of the UDRP, previous panels have held that the use of a domain name to host a parked page containing PPC links does not constitute a *bona fide* offering where such links compete with or capitalize on the reputation and goodwill of the complainant’s trademark or otherwise mislead internet users. In this case, the PPC links directly relate to the Complainant’s business, further reinforcing the likelihood that the Respondent sought to benefit from the Complainant’s reputation. Accordingly, the Panel finds that the disputed domain name was not being used in connection with a *bona fide* offering of goods or services.

The Respondent argues that the disputed domain name has never been activated or used for any business purpose and that the claim regarding PPC ads is incorrect. The Respondent further asserts that any PPC links allegedly associated with the domain name were automatically generated by Namecheap’s default settings and were not actively placed by the Respondent. However, the Complainant has provided clear evidence showing that the parking page contained PPC links and, notably, included a disclaimer at the bottom of the page stating: “*This webpage was generated by the domain owner.*” This directly contradicts the Respondent’s claim and strongly suggests that the Respondent had control over the domain’s usage.

### *Failure to Respond to Cease-and-Desist Letter*

Furthermore, the Respondent has made no reference to the Complainant’s Cease-and-Desist Letter regarding the unauthorized use of the *NOVARTIS* trademark within the disputed domain name. The letter requested a voluntary transfer of the domain name due to the alleged trademark infringement. The Complainant also sent reminders on January 17, 2025, and January 22, 2025, but the Respondent failed to respond. The Panel agrees with the Complainant that the Respondent had an opportunity to provide evidence of actual or contemplated good-faith use of the disputed domain name but failed to do so, which further supports a finding of bad faith.

### *No Plausible Legitimate Use by the Respondent*

In the present case, the Panel finds that the *NOVARTIS* trademark is distinctive and well known, making it difficult to conceive of any plausible legitimate future use of the disputed domain name by the Respondent. The Panel notes that the most likely reason for the Respondent’s registration of the disputed domain name was to take advantage of the Complainant’s goodwill and reputation for its own commercial benefit.

For all the reasons stated above, the Panel is satisfied that the Complainant has proven the third element of the Policy—namely, that the Respondent’s registration and use of the disputed domain name were in bad faith.

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FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **novartispakistan.com**: Transferred

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## PANELLISTS

Name **Barbora Donathová**

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DATE OF PANEL DECISION 2025-02-25

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Publish the Decision

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