Decision for dispute CAC-UDRP-107358

Case number	CAC-UDRP-107358
Time of filing	2025-02-25 17:31:59
Domain names	admintevapharm.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Teva Pharmaceutical Industries Ltd

Complainant representative

Organization	SILKA AB

Respondent

Organization	Exeter Textiles

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 bases its Complaint among others on the following trademarks:

- USA national trademark “TEVA”, no. 1567918, registered since 28 November 1989, for goods in class 5;
- European Union trademark “TEVA”, no. 001192830, registered since 18 July 2000, for goods in classes 3, 5, 10;
- Israel national trademark “TEVA PHARM”, no. 164291, registered since 5 May 2004, for goods in class 5;
- European Union trademark “TEVAPHARM”, 018285645, registered since 9 January 2021, for goods and services in classes 5 and 44.

FACTUAL BACKGROUND

The Complainant, established in 1901, is an internationally active pharmaceutical company, maintaining a portfolio of approximately 3,600 medicines, reaching some 200 million people across 58 markets and six continents every day. The Complainant has over 50 manufacturing facilities and 37,000 employees. The Complainant appears to be featured in lists gathering the world’s top generic drug manufacturers.

The Complainant is the owner of TEVA, TEVA PHARM, TEVAPHARM trademarks, as the ones cited above.

Furthermore, the Complainant and its affiliated companies also own domain names which include its TEVA, TEVAPHARM trademarks, such as the domain name <tevapharm.com> registered on 14 June 1996 which corresponds to its main international website, <tevapharma.com>, registered on 18 December 2000, and <tevapharm.us>, registered on 24 April 2002.

The disputed domain name <admintevapharm.com> was registered on 16 September 2024 and resolves to a webpage that displays pay-per-click ("PPC") links that lead to websites that compete with the Complainant's offerings (e.g. sites offering goods or services within the pharmaceutical industry). These links are displayed under categories including "Pharmaceutical Company" and "Pharma Company". MX servers are configured in relation to this disputed domain name.

PARTIES CONTENTIONS

The Complainant's contentions are the following:

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it. The disputed domain name <admintevapharm.com> is confusingly similar to the Complainant's earlier trademarks TEVA, TEVA PHARM, TEVAPHARM, that the Respondent lacks rights or legitimate interests in the disputed domain name for a number of reasons and that the disputed domain name was registered and is being used in bad faith.

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

1. Confusing Similarity

The Panel agrees that the disputed domain name <admintevapharm.com> is confusingly similar to the Complainant's earlier trademarks TEVA, TEVA PHARM, TEVAPHARM. The disputed domain name incorporates entirely the Complainant's earlier TEVA, TEVA PHARM, TEVAPHARM trademarks and the addition of the generic term "admin" which is referring to the Complainant's administrative activities under the trademarks TEVA, TEVA PHARM, TEVAPHARM is not sufficient to escape the finding that the disputed domain name is confusingly similar to the Complainant's trademarks and it does not change the overall impression of the designations as being connected to the trademarks TEVA, TEVA PHARM, TEVAPHARM.

Moreover, the extension ".com" is not to be taken into consideration when examining the similarity between the Complainant's trademarks and the disputed domain name (WIPO Case No. D2005-0016, Accor v. Noldc Inc.). The mere adjunction of a gTLD such

as ".com" is irrelevant as it is well established that the generic Top Level Domain is insufficient to avoid a finding of confusing similarity (WIPO Case No. 2013-0820, L'Oréal v Tina Smith, WIPO Case No. D2008-0820 Titoni AG v Runxin Wang and WIPO Case No. D2009-0877, Alstom v. Itete Peru S.A.).

Therefore, the Panel is satisfied that the first condition under the Policy is met.

2. Lack of Respondent's rights or legitimate interests

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 burden of proof shifts to the respondent to come forward with appropriate allegations or evidence demonstrating rights or legitimate interests in the disputed domain name. If the respondent fails to come forward with such appropriate allegations or evidence, a complainant is generally deemed to have satisfied paragraph 4(a)(ii) of the Policy.

Based on the available evidence, the Respondent does not appear to be known by the disputed domain name as such is not identified in the WHOIS database as the disputed domain name.

Moreover, the Respondent is not related in any way to the Complainant. The Complainant does not carry out any activity for nor has any business with the Respondent.

No license nor authorization has been granted by the Complainant to the Respondent to make any use of the Complainant's trademarks TEVA, TEVA PHARM, TEVAPHARM, or to apply for registration of the disputed domain name.

The disputed domain name resolves to a webpage which displays pay-per-click links that lead to websites which compete with the Complainant's offerings (e.g. sites offering goods or services within the pharmaceutical industry). These links are displayed under categories including "Pharmaceutical Company" and "Pharma Company". MX servers appear to have been configured in relation to this disputed domain name.

The Respondent had an opportunity to comment on the Complaint's allegations by filing a Response, which the Respondent failed to do.

Thus, the Panel is satisfied that the Complainant has at least established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

Accordingly, the Panel takes the view that also the second requirement under the Policy is met.

3. Bad Faith

The Complainant's trademarks TEVA, TEVA PHARM, TEVAPHARM predate the registration date of the disputed domain name and enjoy of a distinctive character. The Respondent has chosen to register the disputed domain name which incorporates entirely the Complainant's earlier TEVA, TEVA PHARM, TEVAPHARM trademarks with the addition of the generic term "admin" which is referring to the Complainant's administrative activities in order to create a confusion with such trademarks. Therefore, the Panel concludes that at the time of registration of the disputed domain name, the Respondent was well aware of the Complainant's trademarks and has intentionally registered one in order to benefit from the distinctive character of the Complainant's trademarks.

In the present case, the following factors should be considered:

- the Complainant's trademarks predate the registration date of the disputed domain name and enjoy of a distinctive character;
- the Respondent registered the disputed domain name which includes in its entirety the Complainant's TEVA, TEVA PHARM, TEVAPHARM earlier trademarks with the addition of the generic term "admin" which is referring to the Complainant's administrative activities under these trademarks;
- the Respondent has no business relationship with the Complainant, nor was ever authorised to use a domain name similar to the Complainant's trademarks;
- the disputed domain name resolves to a webpage which displays pay-per-click links that lead to websites which compete with the Complainant's offerings (e.g. sites offering goods or services within the pharmaceutical industry). These links are displayed under categories including "Pharmaceutical Company" and "Pharma Company". MX servers appear to have been configured in relation to this disputed domain name, which suggests that it may be actively used for email purposes, most probably in order to attract Internet users for the Respondent's commercial gain thanks to the Complainant's TEVA, TEVA PHARM, TEVAPHARM trademarks as it is the case with the webpage associated with the disputed domain name. Considering the above, in the Panel's view, it is inconceivable that the Respondent will be able to make any good faith use of the disputed domain name as part of an e-mail address and of the webpage associated with the disputed domain name;
- the Respondent failed to submit any response and has not provided any evidence of actual or contemplated good faith use of the disputed domain name.

In light of the foregoing, the Panel concludes that the Respondent has registered and has been using the disputed domain name in bad faith. Thus, also the third and last condition under the Policy is satisfied.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **admintevapharm.com**: Transferred

PANELLISTS

Name	**Delia-Mihaela Belciu**

DATE OF PANEL DECISION 2025-04-01

Publish the Decision