Decision for dispute CAC-UDRP-107426

Case number	CAC-UDRP-107426
Time of filing	2025-03-21 09:41:40
Domain names	verbac.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	VIRBAC

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	VMI INC

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 registered owner of the following trademarks:

- international trademark No. 793769 registered since 11 March, 2002 for the “Virbac” logo in classes 5,38,42 and 44, and designated for numerous countries;
- international trademark No. 420254 registered since 15 December, 1975 for the “Virbac” logo in class 5, and designated for numerous countries;
- US trademark No. 1262810 registered since 3 January 1984 for the “VIRBAC” mark.

FACTUAL BACKGROUND

Founded in 1968 in France by Pierre-Richard Dick, the Complainant presents itself as an old and well-established company dedicated exclusively to animal health. With a turnover of €869 million in 2018, the company ranks today as the 6th largest animal health company worldwide. Its wide range of vaccines and medicines are used in the prevention and treatment of the main pathologies for both companion and food-producing animals. Present through health products in more than 100 countries, the company has more than 4,900 employees.

The Complainant points out to ownership of a portfolio of domain names containing the term “VIRBAC”, such as its official domain

name <virbac.com>, registered since 15 January 2000.

The disputed domain name <verbac.com> was registered on 11 February, 2013 and resolves to a parking page with commercial links.

The Registrar confirmed that the Respondent is the current registrant of the disputed domain name, and that the language of the registration agreement is English.

The Respondent has not filed a Response.

PARTIES CONTENTIONS

COMPLAINANT' CONTENTIONS:

Identical or confusingly similar

The Complainant contends that the disputed domain name <verbac.com> is confusingly similar to its trademark VIRBAC as the only change of the letter “I” to “E” in the trademark does not change the overall impression of the designation as being connected to the Complainant’s trademark.

The Complainant also submits that this is a clear case of "typosquatting“, as the disputed domain name contains an obvious misspelling of the Complainant’s trademark.

No rights or legitimate interests

The Complainant argues that there is no evidence at all that the Respondent is commonly known by the disputed domain name nor appears in the Whois database as the disputed domain name.

Moreover, the Complainant states that the Respondent has not been licensed or authorized in other way to use the Complainant’s trademarks nor is in any way related to the Complainant as the Complainant does not carry out any activity for, nor has any business with the Respondent. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant’s trademark VIRBAC or apply for registration of the disputed domain name by the Complainant.

Finally, the Complainant contends that the disputed domain name resolves to a parking page with commercial links connected to the Complainant’s goods and services which is considered as a clear case of not a bona fide offering of goods or services or legitimate non-commercial or fair use.

Registered and used in bad faith

As far as bad faith registration is concerned, the Complainant states that its registered trademarks are widely known and given the distinctiveness of the Complainant's trademark and reputation, according to the complainant, the Respondent certainly had full knowledge of the Complainant rights over the name VIBAC at the time of the disputed domain name’s registration.

Moreover, the Complainant contends that the misspelling was intentionally designed to be confusingly similar with the Complainant’s trademark and that the Respondent registered and uses the domain name in bad faith to create confusion with Complainant’s VIRBAC trademark for its illegitimate commercial gain by using the domain name to resolve to a website containing advertisements and links to third party websites for commercial gain.

RESPONDENT'S CONTENTIONS:

The Respondent did not respond to the Complaint.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical to trademarks 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 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

Paragraph 15 of the Rules states that the Panel shall decide a Complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law deemed applicable.

In the case of default by a Party, Rule 14 states that if a Party, in the absence of exceptional circumstances, does not comply with a provision of, or requirement under the Rules, the Panel shall draw such inferences therefrom as appropriate.

In the present case, the Respondent has not submitted any Response and consequently has not contested any of the contentions made by the Complainant.

The Panel proceeds therefore to decide only on the basis of the Complainant's factual statements and the documentary evidence provided in support of them.

With reference to the UDRP three-part cumulative test, the Panel finds that:

The disputed domain name and the Complainant's previously registered trademarks are identical and infers that paragraph 4(a)(i) of the Policy is satisfied, since the change in one letter in a such small term, as the words "VIRBAC" and ´´VERBAC" are do not later the overall very similar impression the disputed domain name and the registered trademarks produce.

According to the Complainant's contentions and evidence submitted within this proceeding, which were not disputed, the Respondent does not appear to be in any way related to the Complainant's business, does not act as the agent of the Complainant nor currently known and has never been known as "VIRBAC", or any combination of such trademark.

Furthermore, the disputed domain name is not associated with any real business activity and redirects to a parking page with commercial links where it is offered for sale for 299 USD. Therefore, it is reasonable to infer that the Respondent does not have any legitimate interest in the disputed domain name and rather appears to use the disputed domain name for his own commercial gain.

Consequently, and in the absence of a Response, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name, so the requirements of paragraph 4(a)(ii) of the Policy are met.

By choosing and registering the disputed domain name which represents almost an identical version of the Complainant's trademark, the Respondent is likely to be engaged in bad faith registration. At the same time, offering to sell the disputed domain name for a price which exceeds several times the original price of the domain name can be considered as another implied evidence of the Respondent's bad faith use.

In other words, in the absence of sufficient evidence to the contrary and rebuttal from the Respondent, the Panel infers that by choosing to register the disputed domain name which is identical to Complainant's trademarks and by intending to exploit, for commercial gain, ownership of such domain name, the Respondent's activity is indicative of registration and use of the disputed domain name in bad faith.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **verbac.com**: Transferred

PANELLISTS

Name	**Hana Císlerová**

DATE OF PANEL DECISION 2025-04-14

Publish the Decision