

## Decision for dispute CAC-UDRP-107463

Case number	CAC-UDRP-107463
Time of filing	2025-04-04 10:16:44
Domain names	boehringersharepoint.com

### Case administrator

Name	Olga Dvořáková (Case admin)
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### Complainant

Organization	Boehringer Ingelheim Pharma GmbH & Co.KG
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### Complainant representative

Organization	NAMESHIELD S.A.S.
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### Respondent

Organization	Fundacion Comercio Electronico
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#### 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 owns the international trademark registration BOEHRINGER n° 799761, registered since December 2, 2002.

#### FACTUAL BACKGROUND

The Complainant is a German family-owned pharmaceutical group of companies with roots going back to 1885, when it was founded by Albert Boehringer (1861-1939) in Ingelheim am Rhein.

Ever since, BOEHRINGER INGELHEIM has become a global research-driven pharmaceutical enterprise and has around 53,500 employees. It is divided into two business areas: Human Pharma and Animal Health. In 2023, BOEHRINGER INGELHEIM achieved net sales of 25.6 billion euros.

The Complainant owns a large portfolio of trademarks including the wording "BOEHRINGER" in several countries, such as the international trademark BOEHRINGER n° 799761, registered since December 2, 2002.

Furthermore, the Complainant owns multiple domain names consisting of the wording "BOEHRINGER", such as <boehringer-ingelheim.com> registered since January 9, 1995.

The disputed domain name <boehringersharepoint.com> was registered on June 5, 2024. It resolves to a parking page with commercial links and is also offered for sale for 1,499 USD.

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#### 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.

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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

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.

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#### PRINCIPAL REASONS FOR THE DECISION

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Paragraph 4(a) of the Policy requires that the Complainant must prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

- (1) the disputed domain name registered by the Respondent is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (2) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (3) the disputed domain name has been registered and is being used in bad faith.

In view of the Respondent's failure to submit a response, the Panel shall decide this administrative proceeding on the basis of Complainant's undisputed representations pursuant to paragraphs 5(f), 14(a) and 15(a) of the Rules and draw such inferences it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable allegations set forth in a complaint; however, the Panel may deny relief where a complaint contains mere conclusory or unsubstantiated arguments. See WIPO Jurisprudential Overview 3.0 at paragraph 4.3; see also *eGalaxy Multimedia Inc. v. ON HOLD By Owner Ready To Expire, FA 157287* (Forum June 26, 2003) ("Because Complainant did not produce clear evidence to support its subjective allegations [ . . . ] the Panel finds it appropriate to dismiss the Complaint").

As to the first element, the Complainant has shown that it has rights in the BOEHRINGER mark and that the mark is very well-known. The Panel finds the disputed domain name <boehringersharepoint.com> to be confusingly similar to the Complainant's trademark BOEHRINGER because it incorporates the mark in its entirety and merely adds the generic words "share point", which do nothing to distinguish the domain name from the mark, together with the inconsequential top-level domain ".com", which may be ignored. The Complainant has established this element.

As to the second element, paragraph 4(c) of the Policy sets out three illustrative circumstances as examples which, if established by the Respondent, shall demonstrate rights to or legitimate interests in a disputed domain name for the purposes of paragraph 4(a)(ii)

of the Policy, i.e.

(i) before any notice to the Respondent of the dispute, the use by the Respondent of, or demonstrable preparations to use, the domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services; or

(ii) the Respondent (as an individual, business or other organization) has been commonly known by the disputed domain name, even if the Respondent has acquired no trademark or service mark rights; or

(iii) the Respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert customers or to tarnish the trademark or service mark at issue.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name and is not related in any way with the Complainant. The Complainant asserts that the Respondent is not identified in the WHOIS database by the disputed domain name and is not affiliated with nor authorized by the Complainant in any way. The Complainant does not carry out any activity for, nor has any business with the Respondent. Neither licence nor authorization has been granted to the Respondent to make any use of the Complainant's trademark BOEHRINGER, nor to apply for registration of the disputed domain name. Furthermore, the disputed domain name resolves to a parking page with commercial links.

The Panel notes that the disputed domain name <boehringersharepoint.com> was registered by the Respondent on June 5, 2025, long after the Complainant has shown that its BOEHRINGER mark had become very well-known. It resolves to a parked webpage displaying commercial links. These circumstances, together with the Complainant's assertions, are sufficient to constitute a prima facie showing of absence of rights or legitimate interests in respect of the disputed domain name on the part of the Respondent. The evidentiary burden therefore shifts to the Respondent to show that it does have rights or legitimate interests in the disputed domain name. See *JUUL Labs, Inc. v. Dryx Emerson / KMF Events LTD*, FA1906001849706 (Forum July 17, 2019). The Respondent has made no attempt to do so.

The Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has established this element.

As to the third element, paragraph 4(b) of the Policy sets out four illustrative circumstances, which, though not exclusive, shall be evidence of the registration and use of the domain name in bad faith for purposes of paragraph 4(a)(iii) of the Policy, including:

(iv) by using the domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on its website or location.

The circumstances set out above in relation to the second element satisfy the Panel that the Respondent was fully aware of the Complainant's very well-known BOEHRINGER mark when the Respondent registered the disputed domain name and that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the website to which the disputed domain name resolves, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of that website and of the products or services promoted on that website. This demonstrates registration and use in bad faith to attract users for commercial gain under Policy paragraph 4(b)(iv). The Complainant has established this element.

It is unnecessary to decide whether the Respondent's general offer to sell the disputed domain name for 1499 USD itself demonstrates bad faith on the part of the Respondent.

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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. boehringersharepoint.com: Transferred

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## PANELLISTS

Name	Alan Limbury
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DATE OF PANEL DECISION 2025-04-26

Publish the Decision

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Respondent have never had any previous relationships.

- The Respondent is not commonly known by the disputed domain names. On the contrary, when conducting a search in the Google search engine on the terms "novartispharmcorp", "novartis pharm corp", "novartisphamcorp" or "novartis pham corp", all the results refer to the Complainant and its subsidiary Novartis Pharmaceutical Corporation. Also, a search on these terms along with the names "Saheed

James”, organization “Saheed organization”, “Sotashi Jean”, or organization “Pharmaceuticals Corp” do not return results showing that the Respondent is known by the disputed domain names.

- A search for any trademarks incorporating the terms “novartispharmcorp”, “novartis pharm corp”, “novartisphamcorp” or “novartis pham corp” do not result in any registered trademarks. When searching for any trademarks in the name of “Saheed James”, “Saheed organization”, “Sotashi Jean”, or “Pharmaceuticals Corp”, there are no results related to the disputed domain names.
- The disputed domain names resolve to inactive pages.
- The disputed domain names are not being used in connection with a bona fide offering of goods or services.
- The structure of the disputed domain names – incorporating the Complainant’s Trademark “NOVARTIS” entirely, followed by terms directly referring to the Complainant’s business (pharmaceuticals) and/or its subsidiary in the United States (Novartis Pharmaceuticals Corporation) reflects the Respondent’s intention to create an association, and a subsequent likelihood of confusion, in Internet users’ mind.
- The Complainant sent cease-and-desist letters to the registrants of the disputed domain names, through the email addresses listed on the public Whois records, as well as various reminders. The Respondent replied on March 26, 2025, regarding the disputed domain name <com>, using the email address ‘novartics@proton.me’, stating: “Note that we but this domain and the domain is available. What do you what me to do now. Best regards”. Despite the Complainant’s reply on March 27, 2025, there was no further response from the Respondent.
- Finally, active MX records are associated with both disputed domain names.

The Respondent did not file an administratively compliant (or any) response. The Respondent did not provide evidence that he has rights or legitimate interests in the disputed domain names.

The Panel finds that the Respondent does not appear to have any rights or legitimate interests in the disputed domain names from the following facts:

- There is no evidence that the Respondent is or has been commonly known by the disputed domain names or by the term “NOVARTIS” (alone or in combination with the terms “PHARM” or “PHAM” and” CORP”). The Respondent did not show to have any trademark rights or other rights regarding the term “NOVARTIS” (alone or in combination with the terms “PHARM” or “PHAM” and” CORP”).
- The Complainant’s Trademarks were registered and have been used well before the registration date of the disputed domain names.
- There is no evidence that shows that the Respondent is making a legitimate non-commercial or fair use of the disputed domain names, without intent for commercial gain to misleadingly divert consumers.
- The Respondent does not seem to have any consent or authorisation to use the Trademarks of the Complainant and does not seem to be related in any way to the Complainant.

In sum, on the balance of probabilities, and in the absence of any evidence to the contrary or any administratively compliant response being put forward by the Respondent, the Panel finds that the Complainant has made a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names.

The Panel concludes that the Respondent does not have rights or legitimate interests in the disputed domain names.

## Bad faith

The Complainant argues that the disputed domain names were **registered** in bad faith based on the following grounds:

- Trademark precedence and reputation: The disputed domain names were registered many years after the Complainant’s well-known “NOVARTIS” Trademarks were established and protected internationally. The Complainant has a significant global presence online and through social media.
- No authorization: The Respondent was never licensed or authorized to register domain names incorporating the “NOVARTIS” Trademark.
- Inescapable awareness: Given the global fame of the “NOVARTIS” Trademark, a basic online search would have made the

Complainant's Trademark and business immediately visible. It is implausible the Respondent was unaware of it.

- Deliberate construction to mislead: The disputed domain names contain the "NOVARTIS" Trademark combined with terms like "pharm," "pham," and "corp," clearly referencing the Complainant or its U.S. subsidiary. This structure is likely intended to confuse Internet users into believing the disputed domain names are affiliated with the Complainant.

The Complainant further asserts that the Respondent is also using the disputed domain names in bad faith, with the following supporting points:

- Intention to mislead for commercial gain: The structure of the disputed domain names creates a high risk of confusion with the Complainant's Trademarks, misleading users into thinking there is a connection between the disputed domain names and the Complainant.
- Passive Holding Doctrine: Though the disputed domain names don't lead to active websites, prior UDRP decisions confirm that even inactive (or "passively held") domains can demonstrate bad faith, especially when:
  - The trademark is highly distinctive: in this case, the Complainant's Trademarks are well-known and are entirely comprised in the disputed domain names.
  - The Respondent provides no Response or no evidence of good-faith use: in this case, the Complainant sent out cease-and-desist letters, but the Respondent failed to reply or justify any good faith use of the disputed domain names.
  - The Respondent tries to conceal its identity or contact details appear false: in this case, the disputed domain names are under common control. The Complainant links these domains to another previously disputed domain (novartispharmaceuticalscorp.com), already found to be registered and used in bad faith (in domain name case CAC-UDRP-107335).
  - There is no plausible good faith use of the domain name: in this case, active MX records show the disputed domain names could be used to send emails, potentially impersonating Novartis to commit fraud or phishing.

The Panel weighs these arguments and facts as follows:

- As mentioned already, the disputed domain names reproduce the Complainant's Trademarks "NOVARTIS" entirely, with the addition of the descriptive words "PHARM" or "PHAM" and "CORP". As mentioned already above, these combined terms clearly refer to the Complainant, its business, and its subsidiary in the United States, and thereby cause (or risk to cause) confusion among the public.
- The Complainant's Trademarks and domain names predate the registration of the disputed domain names by several years. The Panel points to the fact that the Complainant has trademark rights to the term "NOVARTIS" for pharmaceutical products and services in the home country of the Respondent (i.e. the United States) and in various other countries around the globe. The terms selected by the Respondent ("NOVARTIS", in combination with "PHARM" or "PHAM" and "CORP") seem only selected for their similarity to the Complainant's registered "NOVARTIS" Trademark(s) and business.
- It is inconceivable that the Respondent would have come up with domain names consisting of the term "NOVARTIS" in combination with the term "PHARM" or "PHAM" and "CORP" without having prior knowledge of the Complainant, its Trademarks and its activities. On the balance of probabilities, it seems evident that the Respondent had actual knowledge of the existence of the Complainant and its activities, and of the Complainant's Trademarks and the scope of the Trademarks at the time of registration and use of the disputed domain names. The Panel is convinced that the Respondent had the Trademark(s) of the Complainant in mind when registering and using the disputed domain names.
- The Respondent apparently intends to create an association with the Complainant through the disputed domain names. This cannot be seen as a bona fide offering of goods.
- The Respondent did not contest any of the Complainant's arguments and did not provide any explanation concerning its choice for registering and/or using domain names that include the Complainant's registered Trademarks in combination with merely descriptive word elements.
- The Respondent did not react to the cease-and-desist letter of the Complainant.

For all the reasons set out above, the Panel concludes that the disputed domain names were registered and are being used in bad faith within the meaning of 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. novartispharmcorp.com: Transferred
2. novartispharmcorp.com: Transferred

## PANELLISTS

Name **Bart Van Besien**

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Date of Panel Decision

2025-04-25

Publish the Decision