Decision for dispute CAC-UDRP-107425

Case number	CAC-UDRP-107425
Time of filing	2025-03-21 10:14:30
Domain names	boehringer--ingelhelm.com

Case administrator

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

Complainant

Organization	Boehringer Ingelheim Pharma GmbH & Co.KG

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	sqbb ghwbegxv

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, inter alia, the owner of the following trademark registrations (hereinafter collectively referred to as the "BOEHRINGER INGELHEIM Trademark"):

- International Registration No. 221544 for the word mark "Boehringer-Ingelheim," registered on July 2, 1959;
- International Registration No. 568844 for the word mark "Boehringer Ingelheim," registered on March 22, 1991, with protection extended, inter alia, to Germany, France, and Spain;
- United States Trademark Registration No. 72000475 for "BOEHRINGER-INGELHEIM," registered on February 5, 1957;
- United States Trademark Registration No. 74667607 for "BOEHRINGER-INGELHEIM," registered on September 16, 1997.

FACTUAL BACKGROUND

The Complainant is a German family-owned pharmaceutical group of companies employing approximately 53,500 people worldwide. The Complainant asserts ownership of, inter alia, the domain name <boehringer-ingelheim.com>, registered on January 9, 1995. The disputed domain name was registered on March 18, 2025.

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).

The Complainant has demonstrated that it is the rightful owner of the "Boehringer-Ingelheim" trademarks, which enjoy legal protection in numerous jurisdictions, including the United States, where the Respondent is allegedly domiciled according to the Registrar Verification. The Panel finds that the Complainant's BOEHRINGER INGELHEIM Trademark is clearly recognizable in the disputed domain name <boehringer-ingelhelm.com>. The disputed domain name reproduces the Complainant's trademark almost in its entirety, with only a minor alteration, namely the substitution of the letter "i" with the letter "l" in the element "Ingelheim," resulting in "Ingelhelm." This slight variation, involving visually similar letters, does not prevent a finding of confusing similarity.

The inclusion of the generic Top-Level Domain (gTLD) ".com" is a standard registration requirement and does not impact the assessment of whether the disputed domain name is identical or confusingly similar to the Complainant's trademarks (see Rollerblade, Inc. v. Chris McCrady, WIPO Case No. D2000-0429).

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).

A complainant is required to establish a prima facie case that the respondent lacks rights or legitimate interests. Once such a case is made, the burden of proof shifts to the respondent to demonstrate their rights or legitimate interests in the disputed domain name. Failure to do so results in the complainant satisfying paragraph 4(a)(ii) of the Policy (as per Article 2.1 of WIPO Jurisprudential Overview 3.0 and WIPO Case No. D2003-0455, Croatia Airlines d.d. v. Modern Empire Internet Ltd.).

Based on the contentions of the Complainant, the Panel finds that the Complainant has successfully established a prima facie case that the Respondent lacks rights or legitimate interests. As the Respondent has failed to provide relevant evidence demonstrating any such rights or legitimate interests, the Complainant is deemed to have satisfied the second element.

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).

Registration in bad faith

The Panel considers the following factors in determining that the disputed domain name was registered in bad faith. First, the Complainant has a long-standing history and strong reputation, with trademark rights dating back to as early as 1959, whereas the disputed domain name was registered only recently, on March 18, 2025. Second, the Complainant's trademark is inherently distinctive, incorporating the founder's family name (Boehringer) together with the geographic location of the company's origins (Ingelheim am Rhein, Germany). Third, the disputed domain name contains an obvious and intentional misspelling of the Complainant's trademark, amounting to a clear case of typo-squatting. Based on these circumstances, the Panel concludes that the Respondent must have been aware of the Complainant and its trademarks at the time of registration. By registering a domain name that is nearly identical to the widely known BOEHRINGER INGELHEIM Trademark and the Complainant's commercially established domain name, differing only by a minor misspelling, the Respondent sought to unfairly exploit the distinctiveness and reputation of the Complainant's brand for its own benefit. Accordingly, the Panel finds that the Respondent registered the disputed domain name in bad faith.

Use in Bad Faith

The disputed domain name incorporates almost the entirety of the Complainant's distinctive trademarks, creating an impression of an association with the goods and services marketed by the Complainant and giving rise to a likelihood of confusion with the Complainant's BOEHRINGER INGELHEIM Trademark.

There is currently no active website associated with the disputed domain name. In this regard, the Panel has considered whether, under the specific circumstances of this case, the Respondent's passive holding of the disputed domain name constitutes use in

bad faith. According to the WIPO Jurisprudence Overview 3.0, non-use of a domain name would not preclude a finding of bad faith under the passive holding doctrine. Factors considered relevant in applying the passive holding doctrine include (i) the degree of distinctiveness or reputation of the complainant's mark; (ii) the respondent's failure to file a response or to provide evidence of actual or intended good faith use; (iii) the respondent's concealment of its identity or use of false contact information (in violation of its registration agreement); and (iv) the implausibility of any good faith use to which the domain name might be put (see also Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003, <telstra.org>).

In the circumstances of this case, the Panel finds that the Complainant has successfully demonstrated the acquired distinctiveness and strong reputation of its BOEHRINGER INGELHEIM Trademark. Furthermore, the Respondent has failed to submit any response or provide evidence of any actual or contemplated good faith use of the disputed domain name. The Panel also notes that the disputed domain name <boehringer--ingelhelm.com> was registered using clearly fabricated registrant details, as confirmed by the Registrar Verification: the registrant is identified only as “king,” with an implausible and nonsensical organization name and address (“sqbb ghwbegxv, 23 dsbhbeb, New York, United States 10005”). The use of such fictitious registration information constitutes a breach of the registration agreement and demonstrates a deliberate effort to conceal the Respondent’s true identity and location.

Additionally, the Panel has verified that MX records have been configured for the disputed domain name. An MX (Mail Exchange) record is a resource record in the Domain Name System that designates the mail server responsible for receiving e-mail messages on behalf of the domain name (see WIPO Case No. D2022-0479 CKM Holdings Inc. v. Grant Chonko, Genesis Biosciences). The presence of MX records suggests that the domain name is associated with active e-mail servers. Given that there is no requirement to establish MX records unless there is an intention to use the domain for sending or receiving e-mail communications, the activation of MX records indicates that the Respondent has made arrangements to enable e-mail functionality, creating a risk of potential misrepresentation, phishing, or spamming activities.

In light of the above, the Panel concludes that the totality of circumstances—namely, the passive holding of the domain name, the use of fictitious registration details, and the configuration of MX—supports a finding that the disputed domain name is being used in bad faith.

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 disputed domain name <boehringer--ingelhelm.com> is confusingly similar to the Complainant’s BOEHRINGER INGELHEIM Trademark due to minor misspelling.

The Complainant established a prima facie case of no rights or legitimate interests, and the Respondent failed to rebut it.

The Respondent registered the domain name in bad faith, being aware of the Complainant’s trademark rights at the time of registration.

The Respondent’s passive holding, false registration details, and activation of MX records support a finding of bad faith use.

Accordingly, the Panel orders that the disputed domain name <boehringer--ingelhelm.com> be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **boehringer--ingelhelm.com**: Transferred

PANELLISTS

Name	**Karel Šindelka**

DATE OF PANEL DECISION 2025-04-27

Publish the Decision