Decision for dispute CAC-UDRP-107436

Case number	CAC-UDRP-107436
Time of filing	2025-03-26 09:33:21
Domain names	novartismanagement.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Novartis AG

Complainant representative

Organization	Abion GmbH

Respondent

Name	Louanna Robelia

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:

- International trademark registration “NOVARTIS”, no. 663765, registered on 1 July 1996, for goods and services in classes 1, 2, 3, 4, 5, 7, 8, 9, 10, 14, 16, 17, 20, 22, 28, 29, 30, 31, 32, 40, 42;
- United States national trademark “NOVARTIS”, no. 4986124, registered on 28 June 2016, for goods and services in classes 5, 9, 10, 41, 42, 44;
- United States national trademark “NOVARTIS”, no. 6990442, registered on 28 February 2023, for goods in class 5;
- European Union trademark “NOVARTIS”, no. 000304857, registered since 25 June 1999, for goods in classes 1, 5, 9, 10, 29, 30, 31, 32.

FACTUAL BACKGROUND

Novartis Group from which the Complainant is a part of is one of the biggest global pharmaceutical and healthcare groups. It provides solutions to address the evolving needs of patients worldwide by developing and delivering innovative medical treatments and drugs. The Complainant was created in 1996 through a merger of two other companies Ciba-Geigy and Sandoz, and is the holding company of the Novartis Group. In 2024, Novartis achieved net sales of USD 50.3 billion, and total net income amounted to USD 11.9 billion and employed approximately 76 000 full-time equivalent employees as of December 31, 2024.

The Complainant’s products are manufactured and sold in many countries worldwide, including in the United States, where it has an active presence through associated companies and where it has been playing an active role in the local markets and societies.

The Complainant is the owner of NOVARTIS trademarks in numerous jurisdictions around the world, including the ones cited above.

Furthermore, the Complainant also owns domain names which include its NOVARTIS trademarks, such as the domain name <novartis.com> registered on 2 April 1996 or in combination with other terms, such as <novartispharma.com> registered 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 disputed domain name <novartismanagement.com> was registered on 04 March 2025 and resolves to an inactive webpage.

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.

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 <novartismanagement.com> is confusingly similar to the Complainant's earlier well-known trademark NOVARTIS, 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 <novartismanagement.com> is confusingly similar to the Complainant's earlier well-known trademark NOVARTIS. The disputed domain name incorporates entirely the Complainant’s earlier NOVARTIS trademark and the addition of the generic term “management” which is referring to the Complainant’s management activities under the trademark NOVARTIS is not sufficient to escape the finding that the domain name is confusingly similar to the Complainant’s trademark and it does not change the overall impression of the designations as being connected to the trademark NOVARTIS.

Moreover, the extension ".com" is not to be taken into consideration when examining the similarity between the Complainant's trademark 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 trademark NOVARTIS, or to apply for registration of the disputed domain name.

The disputed domain name resolves to an inactive webpage. Also, the Complainant has sent to the Respondent a cease and desist letter in relation to the disputed domain name through the contact form listed on the publicly available WhoIs records and to the Registrar, asking the latter to forward the letter to the Respondent, to which no response has been received.

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

All the above do not amount to a bona fide offering of goods or services, or to a legitimate noncommercial or fair use of the disputed domain name.

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 also met.

3. Bad Faith

The Complainant's trademark NOVARTIS predates the registration date of the disputed domain name and is a well-known trademark. The Complainant seems to be active on social media to promote its mark, products and services. The Respondent has chosen to register the disputed domain name which incorporates entirely the Complainant's earlier NOVARTIS trademark with the addition of the generic term "management" which is referring to the Complainant's management activities in order to create confusion with such trademark. Therefore, the Panel concludes that at the time of registration of the disputed domain name, the Respondent was well aware of the Complainant's trademark and has intentionally registered it in order to benefit from the distinctive character of the Complainant's trademark.

The disputed domain name is inactive. Under certain circumstances, the passive holding of a domain name cannot prevent a finding of bad faith. Factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put (See paragraph 3.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (WIPO Jurisprudential Overview 3.0)).
In the present case, the following factors should be considered:

- the Complainant's NOVARTIS trademark predates the registration date of the disputed domain name, being a well-known trademark with a high distinctive character;
- 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;
- the Respondent registered the disputed domain name which includes in its entirety the Complainant's NOVARTIS earlier trademark with the addition of the generic term "management" which refers to the Complainant's management activities under this trademark; and

- any good faith use of the disputed domain name would be implausible, as the trademark NOVARTIS is univocally linked to the Complainant and the Respondent has no business relationship with the Complainant, nor was ever authorised to use a domain name confusingly similar to the Complainant's trademark.

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. **novartismanagement.com**: Transferred

PANELLISTS

Name	**Delia-Mihaela Belciu**

DATE OF PANEL DECISION 2025-05-01

Publish the Decision