Decision for dispute CAC-UDRP-107406

Case number	CAC-UDRP-107406
Time of filing	2025-03-13 17:00:38
Domain names	micardis24store.shop

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

Name	Bill Milligan

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 owner of numerous MICARDIS trademark registrations, in several countries, including:

- the international trademark MICARDIS n° 523578 registered since May 18, 1988;
- the international trademark MICARDIS n° 691750 registered since March 13, 1998.

FACTUAL BACKGROUND

The Complainant is a 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.

The Complainant has since become a global research-driven pharmaceutical enterprise, with 140 affiliated companies world-wide. The Complainant owns several trademarks consisting of or with the element MICARDIS in several countries. MICARDIS is a medicine prescribed for the treatment of hypertension.

Furthermore, the Complainant owns multiple domain names consisting of the wording “MICARDIS”, such as <micardis.com> since April 1, 1999

The disputed domain name <micardis24store.shop> was registered on February 14, 2025, and redirects to a page describing MICARDIS product and offering the medication for sale by redirecting the consumers to an online shop. As of the date of this Decision, the disputed domain name has resolved to an inactive website.

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).

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

In accordance with paragraph 4(a) of the Policy, in order to succeed in this proceeding and obtain the transfer of the disputed domain name, the Complainant must establish that each of the three following elements is satisfied:

(i) The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

(ii) The Respondent has no rights or legitimate interests with respect to the disputed domain name; and

(iii) The disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has established the fact that it has valid trademark rights for “MICARDIS”. The addition of the terms “24” and “SHOP” is not sufficient to escape the finding that the disputed domain name is confusingly similar to the Complainant's trademarks. To the contrary, it may even add confusion

The Panel agrees with this statement of the Complainant, as it does not change the overall impression of the designation as being connected to the Complainant’s trademarks. It does not prevent the likelihood of confusion between the disputed domain name and the Complainant and its trademarks. It is well-established that “a domain name that wholly incorporates a Complainant’s registered

trademark may be sufficient to establish confusing similarity for purposes of the UDRP". Please see WIPO Case No. D2003-0888, Dr. Ing. h.c. F. Porsche AG v. Vasiliy Terkin.

Therefore, this Panel considers the disputed domain name to be confusingly similar to the trademark "MICARDIS" in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant asserts that the Respondent is not a licensee of the Complainant nor has the Complainant granted any permission or consent to the Respondent to use its trademark "MICARDIS" confusingly similar to its trademarks.

Additionally, there is no indication that the Respondent is commonly known by the name "micardis" or that the Respondent is using the disputed domain name in connection with a bona fide offering of goods or services.

As per the evidence filed by the Complainant, the disputed domain name resolved to a website describing MICARDIS products and offering the medication for sale by redirecting the consumers to an online shop selling MICARDIS branded products and competitive products. The Complainant stated that the website does not display any information about the publisher of the page content and there is no disclaimer on the disputed website warning users that it is not affiliated with the Complainant in any way.

Prior panels have found that a web page describing a Complainant's products and offering the product for sale, by redirecting the consumers to an online shop, without displaying any information about the publisher of the page content, and without any disclaimer on the web page warning users that the publisher is not affiliated with the Complainant in any way is evidence of lack of legitimate interest. See CAC Case No. 107083, BOEHRINGER INGELHEIM PHARMA GMBH & CO.KG v. Valeriy Margulis <micardisbuysafely.shop>; Sony Kabushiki Kaisha TA Sony Corporation v. Stanley Pace, FA1111001415253 (Forum Dec. 15, 2011).

By not filing a response in the present proceedings, the Respondent has not presented any comment/s) to defend and/or rebut the statements from the Complainant.

Based on the above-mentioned reasons and the evidence presented by the Complainant, this Panel finds that the Respondent does not have rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

The Complainant states that their trademark MICARDIS is a distinctive trademark, registered since 1988. The disputed domain name resolves to a website describing and displaying the MICARDIS products commercialized by the Complainant

This Panel is convinced that the Respondent knew of the Complainant's trademark(s) at the time of registration of the disputed domain name, and deliberately sought to use their goodwill to attract Internet users seeking the Complainant's product.

The Respondent has registered and used the disputed domain name in order to deceive Internet users seeking the Complainant's product, so as to generate revenue from selling unrelated or competing pharmaceuticals. This constitutes bad faith registration and use within the meaning of the Policy.

The Complainant presented evidence and contended that the use of the disputed domain name in connection with the Respondent's website is confusing and disruptive in that Internet users could reasonably believe that it is linked to or endorsed by the Complainant.

The Panel agrees with the Complainant that the Respondent has intentionally attempted to attract for commercial gain Internet users to his website by creating likelihood of confusion with the Complainant's trade mark as to the source, sponsorship, affiliation or endorsement of the web site or services on it likely to disrupt the business of the Complainant.

Prior decisions found that a domain name resolving to a website describing the Complainant's product, and offering the product for sale by redirecting the consumers to an online shop, without information about the publisher or disclaimer is evidence of bad faith. See Allianz of AM. Corp v. Bond, FA 680624 (Forum June 2, 2006) ("finding bad faith registration and use where the respondent was diverting Internet users searching for the complainant to its own website"); CAC Case No. 107083, BOEHRINGER INGELHEIM PHARMA GMBH & CO.KG v. Valeriy Margulis <micardisbuysafely.shop>.

This Panel also notes that the disputed domain name is currently inactive, and hence, the Respondent is "passively holding" the disputed domain name. According to the well-known Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003, circumstances found to be indicative of bad faith include no response to the complaint is filed, the registrant's concealment of its identity and the implausibility of any good faith use to which the domain name may be put. In the present case, such circumstances are given incl. the reputation of the Complainant's name and trademark, the Respondent's failure to submit a response, and the Respondent's previous bad faith use (See also other Decisions with similar circumstances, WIPO Case No. D2022-4200).

Based on all the above-mentioned facts, the Panel thus concludes that the disputed domain namewas registered and used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **micardis24store.shop**: Transferred

PANELLISTS

Name	**Laura Martin-Gamero Schmidt**

DATE OF PANEL DECISION 2025-05-02

Publish the Decision