Decision for dispute CAC-UDRP-107383

Case number	CAC-UDRP-107383
Time of filing	2025-03-28 10:20:37
Domain names	tevabiosimlars.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Teva Pharmaceutical Industries Ltd.

Complainant representative

Organization	SILKA AB

Respondent

Name	Kebri Luna

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 many trademarks consisting and/or containing TEVA, e.g. United States trademark registration no. 1567918 TEVA (word), registered on November 28, 1989, for goods in class 5; European Union trademark registration no. 007257611 TEVA, registered on August 4, 2009, for goods and services in classes 1, 3, 5, 10, 31 and 42; French trademark registration no 3706086 TEVA BIOSIMILAIRES (word), registered on January 20, 2010, for goods and services classes 1, 5, 35, 41, 42 and 44.

FACTUAL BACKGROUND

It results from the Complainant's undisputed allegations that it is a global pharmaceutical company that delivers high-quality, patient-centric healthcare solutions used by millions of patients every day. It was active in 2024 in 57 countries and it had revenues of more than USD 16.5 billion and approximately 37,000 employees internationally.

The Complainant further contends that its trademark TEVA is distinctive and well-known.

Furthermore, the Complainant uses the domain name <tevabiosimilars.com> (registered on December 15, 2009), which displays

information about the Complainant and its activities.

The disputed domain name <tevabiosimlars.com> was registered on March 15, 2025.

Furthermore, the undisputed evidence provided by the Complainant proves that the disputed domain name < tevabiosimlars.com >, currently inactive, redirects to the Complainant's website at <tevabiosimilars.com>. In addition, MX records have been set up for the disputed domain name.

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

1. Pursuant to paragraph 4(a)(i) of the Policy, the complainant must establish rights in a trademark or service mark, and that the disputed domain name is identical or confusingly similar to a trademark in which the complainant has rights.

It results from the evidence provided, that the Complainant is the registered owner of various TEVA trademarks.

Prior UDRP panels have found that a disputed domain name is confusingly similar to a complainant's trademark where the disputed domain name incorporates the complainant's trademark in its entirety (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0") at section 1.7. This Panel shares this view and notes that the Complainant's registered trademark TEVA is fully included in the disputed domain name.

Furthermore, it is the view of this Panel that the addition of the additional terms in the disputed domain name at issue cannot prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademark since the Complainant's trademark is clearly recognizable in the disputed domain name (see WIPO Overview 3.0 at section 1.8).

Finally, the generic Top-Level Domain (“gTLD”) “.com” of the disputed domain name is typically disregarded under the first element confusing similarity test (see WIPO Overview 3.0 at section 1.11.1).

In the light of the above, the Panel finds that the disputed domain name is confusingly similar to a trademark in which the Complainants have rights.

2. Pursuant to paragraph 4(a)(ii) of the Policy, the Complainant must secondly establish that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

Paragraph 4(c) of the Policy contains a non-exhaustive list of circumstances which, if found by the Panel to be proved, shall demonstrate the Respondent’s rights or legitimate interests to the disputed domain name.

In the Panel’s view, based on the undisputed allegations stated above, the Complainant has made a prima facie case that none of these circumstances are found in the case at hand and, therefore, that the Respondent lacks rights or legitimate interests in the disputed domain name.

According to the Complaint, which has remained unchallenged, the Complainant has no relationship in any way with the Respondents and did, in particular, not authorize the Respondents’ use of the Complainant’s trademark TEVA, e.g. by registering the disputed domain name <tevabiosimlars.com> being a tysposquatting of Complainant domain name’s <tevabiosimilars.com> used for its official website (i.e. it differs only for the single letter “i”).

Moreover, the Panel notes that the disputed domain name contains the Complainant’s registered and well-known trademark TEVA, and that the trademark TEVA is not a term that one would legitimately adopt as a domain name unless to suggest an affiliation with the Complainant. The Panel finds it most likely that the Respondent selected the disputed domain name with the intention to take advantage of the Complainant’s reputation by registering a domain name fully containing the Complainant’s trademark with the intent to attract Internet users for commercial gain. This is also confirmed by the fact that, according to the undisputed evidence provided by the Complainant, the disputed domain name redirected to the Complainant’s website at <tevabiosimilars.com> and MX records have been set up for the disputed domain name.

Furthermore, the Panel notes that there is no evidence showing that the Respondents might be commonly known by the disputed domain names in the sense of paragraph 4(c)(ii) of the Policy.

It is acknowledged that once the Panel finds a prima facie case is made by a complainant, the burden of production under the second element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name (see WIPO Overview 3.0 at section 2.1). Since the Respondent in the case at hand failed to come forward with any allegations or evidence, this Panel finds, in the circumstances of this case, that the Respondent has no rights or legitimate interests in the disputed domain name.

The Panel finds that the Complainant has therefore satisfied paragraph 4(a)(ii) of the Policy.

3. According to paragraph 4(a)(iii) of the Policy, the Complainant must thirdly establish that the disputed domain name has been registered and is being used in bad faith. The Policy indicates that certain circumstances specified in paragraph 4(b) of the Policy may, “in particular but without limitation”, be evidence of the disputed domain name’s registration and use in bad faith. One of these circumstances is that the Respondent by using the disputed domain name, has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location (paragraph 4(b)(iv) of the Policy).

It is the view of this Panel that these circumstances are met in the case at hand.

The Panel shares the view of other UDRP panels and finds that the Complainant’s trademark TEVA is well-known. Therefore, this Panel has no doubt that the Respondent positively knew or should have known that the disputed domain name consisted of the Complainant’s trademark when registered the disputed domain name. Registration of the disputed domain name in awareness of the reputed TEVA mark and in the absence of rights or legitimate interests in this case amounts to registration in bad faith, see WIPO Overview 3.0, section 3.1.4.

Finally, the further circumstances surrounding the disputed domain name’s registration and use confirm the findings that the Respondent has registered and is using the disputed domain name in bad faith (see WIPO Overview 3.0 at section 3.2.1):

(i) the nature of the disputed domain name (i.e., incorporating the Complainant’s mark TEVA plus the addition of term which is related to the Complainant’s business activity; being a tysposquatting of the Complainant’s domain name <tevabiosimilars.com> used for its official website and also being a tysposquatting of the Complainant´s further registered mark TEVA BIOSIMILAIRES).

(i) the fact that the disputed domain name has been connected to active MX records so that Respondent could be engaged in a phishing scheme;

(ii) the content of the website to which the disputed domain name is directed (i.e. it redirects to the Complainant’s official website);

(iii) a clear absence of rights or legitimate interests coupled with no credible explanation for the Respondent's choice of the disputed domain name;

(iv) the Respondent concealing its identity;

In light of the above, the Panel finds that the disputed domain name has been registered and is being used in bad faith pursuant to 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. **tevabiosimlars.com**: Transferred

PANELLISTS

Name	**Dr. Federica Togo**

DATE OF PANEL DECISION 2025-05-09

Publish the Decision