Decision for dispute CAC-UDRP-107493

Case number	CAC-UDRP-107493
Time of filing	2025-04-16 09:58:03
Domain names	boehringer-inqelheim.cam

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	mohamad haroon

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, conducting business under the company / trade name Boehringer Ingelheim Pharma GmbH & Co.KG, owns numerous trademarks including the wording “BOEHRINGER INGELHEIM” (with or without hyphen) registered in several countries, such as:

- the US trademark (word) BOEHRINGER-INGELHEIM no. 72000475 in Nice class 5, registered since 5 February 1957;
- the international trademark (figurative) BOEHRINGER-INGELHEIM no. 221544 in Nice classes 1, 2, 3, 4, 5, 6, 16, 17, 19, 29, 30, 32, registered since 2 July 1959;
- the international trademark (figurative) BOEHRINGER INGELHEIM no. 568844 in Nice classes 1, 2, 3, 4, 5, 9, 10, 16, 30, 31, registered since 22 March 1991;
- the US trademark (word) BOEHRINGER INGELHEIM no. 74667607 in Nice class 5, registered since 16 September 1997.

Furthermore, the Complainant owns multiple domain names consisting in the wording “BOEHRINGER INGELHEIM” (with or without hyphen), such as <boehringer-ingelheim.com> registered since 1 September 1995 and used in relation to its main website.

The above-mentioned rights of the Complainant are hereinafter referred to as the BOEHRINGER INGELHEIM Trademark.

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, it has become a global research-driven pharmaceutical enterprise and it has today roughly 53,500 employees. The Complainant's two business areas are human pharmaceuticals and animal health. In 2023, the Complainant achieved net sales of 25.6 billion Euros.

The Respondent is mohamad haroon, an individual residing in Cyprus.

The disputed domain name <boehringer-inqelheim.cam> was registered on 15 April 2025 and resolves to a parking page with third-party links related to the pharma industry.

The facts asserted by the Complainant are not contested by the Respondent.

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

Under paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements to succeed in the administrative proceeding:

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

I. THE COMPLAINANT'S RIGHTS AND THE CONFUSING SIMILARITY OF THE DISPUTED DOMAIN NAME TO THE COMPLAINANT'S MARK

The Complainant has established that it has rights in the BOEHRINGER INGELHEIM Trademark.

In UDRP disputes, the test for identity or confusing similarity involves a straightforward, reasoned comparison between the complainant's trademark and the disputed domain name. This typically entails a side-by-side evaluation of the domain name and the

textual elements of the relevant trademark to determine if the mark is recognizable within the domain name. When a domain name fully incorporates a trademark, or at least a dominant feature of it is evident in the domain name, the domain name is generally deemed confusingly similar to the mark for the purposes of UDRP standing.

UDRP panels have found domain names that intentionally include a common or obvious misspelling of a trademark confusingly similar to the relevant trademark under the first element, because they retain sufficiently recognizable aspects of the mark (so-called typosquatting). Common typosquatting techniques include using adjacent keyboard letters, substituting similar-looking characters (e.g., numbers for letters), employing visually similar letters in different fonts, using non-Latin, accented, or internationalized characters, reversing letters or numbers, adding or embedding unrelated terms or numbers.

The top-level domain (TLD) is usually disregarded in determining identity or similarity, as it is simply a technical aspect of registration.

The disputed domain name consists of the wordings "boehringer" and "inqelheim" divided by a hyphen, plus the TLD ".CAM".

The Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark, because the letter "g" of the component "ingelheim" has been substituted by the similar-looking letter "q". This modification neither affects the attractive power of the Complainant's mark, nor is sufficient to distinguish the disputed domain name from the Complainant's trademark. The Internet users might be misled into error and believe that that the disputed domain name and any related web service (website, e-mail, etc.,) is related to, owned by or under the control of the Complainant.

Accordingly, the Panel finds that the Complainant has proven the first element of the paragraph 4(a) of the Policy and the disputed domain name is confusingly similar to the Complainant's trademark.

II. THE RESPONDENT'S LACK OF RIGHTS OR LEGITIMATE INTERESTS IN RESPECT OF THE DISPUTED DOMAIN NAME

Under paragraph 4(a)(ii) of the Policy, the Complainant bears the burden of establishing that the Respondent has no rights or legitimate interests in respect of the disputed domain name. Once the Complainant makes a prima facie case, the burden of production shifts to the Respondent to demonstrate rights or legitimate interests in the domain name.

The Respondent has been identified as mohamad haroon, located in Cyprus. There is no evidence that the Respondent, whether as an individual, business, or other organization, has been commonly known by the disputed domain name or has acquired any rights in a trademark or trade name corresponding to it.

The Complainant asserts that it has no relationship whatsoever with the Respondent. The Respondent has never received any approval—express or implied—from the Complainant to use its trademark or to register or use the disputed domain name.

The disputed domain name was registered on 15 April 2025. It is a typosquatted version of the Complainant’s mark and, thus confusingly similar to the Complainant's trademarks. UDRP panels have found that domain names identical or confusingly similar to a complainant’s trademark carry a high risk of implied affiliation.

Moreover, the Complainant has submitted evidence showing that the disputed domain name resolves to a parking page with pay-per-click (PPC) links and MX servers are configured. Therefore, the disputed domain name might be used for phishing activities.

In light of the above, the Panel finds no indication that, prior to notice of the dispute, the Respondent used—or prepared to use—the disputed domain name, or any corresponding name, in connection with a bona fide offering of goods or services. Nor is there any evidence that the Respondent is making legitimate non-commercial or fair use of the domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant’s trademark.

While the Complainant has established its prima facie case, the Respondent has not submitted a Response to the Complaint and, thus, has failed to invoke any of the circumstances, which could demonstrate any rights or legitimate interests in the disputed domain name.

Accordingly, the Panel concludes that the Complainant has met the second requirement under paragraph 4(a) of the Policy, and finds that the Respondent lacks rights or legitimate interests in the disputed domain name.

III. THE REGISTRATION AND THE USE OF THE DISPUTED DOMAIN NAME IN BAD FAITH

The Complainant has sufficiently demonstrated ownership of rights in the prior and well-known BOEHRINGER INGELHEIM Trademark, which has been registered since 1957.

The disputed domain name is a typosquatted version of the Complainant's trademark and, thus, confusingly similar to such mark.

UDRP panels have consistently found that the mere registration of a domain name identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity may, by itself, give rise to a presumption of bad faith.

Given the distinctiveness and longstanding reputation of the Complainant’s trademark, it is inconceivable that the Respondent registered the disputed domain name by coincidence, without actual knowledge of the Complainant’s rights. On the contrary, the circumstances strongly indicate an intent to exploit the Complainant’s reputation and divert Internet traffic from the Complainant’s legitimate website.

The disputed domain name resolves to a parking page with PPC links. While the sale of traffic (i.e., connecting domain names to

parking pages and earning click-per-view revenue) does not in and of itself constitute bad faith, in the present case, considering that the webpage associated to the disputed domain name contains PPC links related to the industry in which the Complainant operates (pharma), the Panel finds that, by registering and using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to his website, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of his website or a product or service on his website (paragraph 4(b)(iv) of the Policy).

The Complainant has satisfied its burden of proof under paragraph 4(a)(iii) of the Policy.

Therefore, the Panel orders that the disputed domain name 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-inqelheim.cam**: Transferred

PANELLISTS

Name	**Ivett Paulovics**

DATE OF PANEL DECISION 2025-05-14

Publish the Decision