Decision for dispute CAC-UDRP-107509

Case number	CAC-UDRP-107509
Time of filing	2025-04-23 09:30:04
Domain names	jardiance.top

Case administrator

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

Complainant

Organization	Boehringer Ingelheim International GmbH

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Daniel Perm

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 owns a portfolio of brands including the word “JARDIANCE” in several countries, including the international trademark JARDIANCE n° 981336 registered since September 3, 2008.

Furthermore, the Complainant is the owner of a numerous portfolio of domain names including the wording “JARDIANCE”, such as <jardiance.com> registered on April 30, 2008.

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, BOEHRINGER has become one of the top 20 companies in the pharmaceutical industry with over 53,000 employees. In 2022, net sales of the BOEHRINGER group of companies amounted to about 24.1 billion euros.

JARDIANCE (Empagliflozin) is a prescription medicine used along with diet and exercise to lower blood sugar in adults with type 2 diabetes, and also to reduce the risk of cardiovascular death in adults with type 2 diabetes who have known cardiovascular disease.

The disputed domain name <jardiance.top> was registered on April 17, 2025 and resolves to a website that offers a variety of

pharmaceutical products and medicines.

PARTIES CONTENTIONS

Complainant

A. The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights

The disputed domain name <jardiance.top> is identical to the Complainant's trademark for the purposes of the Policy. Addition of the New gTLD ".TOP" is not sufficient to escape the finding that the disputed domain name is confusingly similar to the Complainant's trademark and does not change the overall impression of the designation as being connected to the Complainant's trademark.

B. The Respondent has no rights or legitimate interests in respect of the disputed domain name

The Respondent is not commonly by the disputed domain name. Past panels have held that a Respondent was not commonly known by a disputed domain name if the Whois information was not similar to it.

The Respondent has no rights or legitimate interests in respect of the domain name <jardiance.top> and he is not related in any way with the Complainant. The Complainant does not carry out any activity for, nor has any business with the Respondent. No license or authorization has been granted to the Respondent to make any use of the Complainant's trademark JARDIANCE, or apply for registration of the disputed domain name by the Complainant.

Furthermore, the disputed domain name is used in order to divert the consumers to a website purporting to sell a wide variety of third-party pharmaceutical and medicines for many different conditions which is not legitimate and a clear act of riding on the goodwill of another's well known-mark.

C. The disputed domain name was registered and is being used in bad faith

Given that Respondent has registered the disputed domain name that fully incorporates Complainant's JARDIANCE mark in connection with the very product Complainant is known for and used the disputed domain name to attract and redirect consumers to Respondent's alleged online pharmacy promoting and offering pharmaceutical and other products unrelated to Complainant and its products, it is easy to infer that Respondent was likely well aware of Complainant's JARDIANCE mark when Respondent registered the disputed domain name.

By using the domain name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to his website or other on-line location, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on its website or location.

Respondent

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

The disputed domain name registered in 2025 is identical to the Complainant's JARDIANCE trade mark (registered in 2008 as an international trade mark for pharmaceuticals) for the purposes of the Policy, merely adding the gTLD .top.

The Respondent is not commonly known by the disputed domain name or authorised by the Complainant.

The disputed domain name has been pointed to a website offering competing products which is confusing and deceptive and is not a bona fide offering of goods or services. It is registration and use in bad faith confusing Internet users for commercial gain and disrupting the Complainant's business.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **jardiance.top**: Transferred

PANELLISTS

Name	**Dawn Osborne**

DATE OF PANEL DECISION 2025-05-15

Publish the Decision