Decision for dispute CAC-UDRP-107480

Case number	CAC-UDRP-107480
Time of filing	2025-04-11 08:14:16
Domain names	zolgensmaintrathecal.com

Case administrator

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

Complainant

Organization	Novartis AG

Complainant representative

Organization	Abion GmbH

Respondent

Organization	Buy this domain on Dan.com ----

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

It results from the undisputed evidence before the Panel that the Complainant is the registered owner of several international trademarks **ZOLGENSMA** for goods in class 5, in particular:

- International trademark no. 1550011 registered on 28 July 2020 and designating many countries
- European Union Trademark no. 017895112 registered on 18 September 2019

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

1. The Complainant is a global healthcare company based in Switzerland. Its products are manufactured and sold in many regions worldwide.
2. Since 2019 the Novartis Group manufactures the drug ZOLGENSMA, a prescription gene therapy used to treat children less than 2 years old with spinal muscular atrophy. ZOLGENSMA is safe and effective when delivered intrathecally, meaning directly into the fluid bathing the brain and spinal cord.

3. The Respondent registered the disputed domain name on 1 April 2025.
4. According to the undisputed evidence provided by the Complainant, the disputed domain name resolves to GoDaddy.com LLC's domain broker service web page where it is being offered for sale at a buy-now price of USD 2.888.

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.
The Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark, paragraph 4(a)(i) of the Policy.

Many panels have found that a domain name is confusingly similar to a complainant's trademark where it incorporates the complainant's trademark in its entirety. This is the case here, where the trademark ZOLGENSMA is entirely included in the disputed domain name and combined with the additional term "intrathecal" which is a descriptive reference to the mean of delivery.

2.
In the absence of any response, or any other information from the Respondent indicating the contrary, the Panel further holds that the Complainant successfully presented its prima facie case and that the Respondent has no rights or legitimate interests in respect of the disputed domain name, paragraph 4(a)(ii) of the Policy.

In particular, the Respondent is neither affiliated with nor authorized by the Complainant, and it is not related in any way to the Complainant's business. In addition, the Panel notes that there is no evidence in the record or WhoIs information

showing that the Respondent might be commonly known by the disputed domain name in the sense of paragraph 4(c)(ii) of the Policy.

Furthermore, the Panel notes that there is no evidence in the record either showing that the Respondent might be making a noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue pursuant to paragraph 4(c)(iii) of the Policy. In addition, it results from the Complainant's uncontested evidence that the disputed domain name resolves to GoDaddy.com LLC's domain broker service web page where it is being offered for sale at a buy-now price of USD 2.888. Such use is clearly commercial, so that a noncommercial use is excluded from the outset.

3.

Finally, the Panel holds that the Complainant successfully presented establish that the disputed domain name has been registered and is being used in bad faith, paragraph 4(a)(iii) of the Policy.

It is the view of this Panel that the Respondent has actually registered the disputed domain name primarily for the purpose of selling it either to the Complainant or to third persons, in particular to one of the Complainant's competitors, for valuable consideration in excess of the documented out-of-pocket costs directly related to the disputed domain name, paragraph 4(b)(i) of the Policy. According to the Complainant's uncontested allegations and evidence, the Respondent is offering the disputed domain name for sale to the public for a price of USD 2.888. This Panel finds that this sum is most likely in excess of any out-of-pocket costs directly related to the disputed domain name under the TLD .com.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **zolgensmaintrathecal.com**: Transferred

PANELLISTS

Name	**Tobias Malte Müller**

DATE OF PANEL DECISION 2025-05-28

Publish the Decision