Decision for dispute CAC-UDRP-107562

Case number	CAC-UDRP-107562
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Domain names	boehringeringelhiem.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	BOEHRINGER INGELHEIM PHARMA GMBH & CO.KG

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	K-WAY EXPRESS

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

In this proceeding the Complainant relies on the following trademark registration:

- International Trademark Registration under the Madrid system No.799761 "Boehringer" (word), registration date is December 2, 2002, protected in various jurisdictions, including Albania, Australia, Bulgaria, Croatia, Cuba, Mongolia, Ukraine, the UK and Vietnam.

The Complainant also refers to its portfolio of domain names consisting of “BOEHRINGER INGELHEIM” terms, such as <boehringer-ingelheim.com> registered since September 1, 1995.

FACTUAL BACKGROUND

THE DISPUTED DOMAIN NAME IS IDENTICAL OR CONFUSINGLY SIMILAR TO A TRADEMARK OR SERVICE MARK IN WHICH THE COMPLAINANT HAS RIGHTS

The Complainant states that it 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, the Complainant has become a global research-driven pharmaceutical enterprise and has around 53,500 employees. It is divided into two business areas: Human Pharma and

Animal Health.

The Complainant claims that it achieved net sales of 25.6 billion euros in 2023.

The Complainant asserts that it owns a large portfolio of trademarks with the wording “BOEHRINGER” in several countries, including the trademark registration referred to above.

The disputed domain name was registered on May 7, 2025. It resolves to a parking page with PPC links with "MX" servers configured.

The Complainant asserts that the disputed domain name is confusingly similar to its trademark and its domain names. The obvious misspelling of the Complainant’s trademark, i.e. the inversion of the letters “i” and “e” are characteristic of a typosquatting practice intended to create confusing similarity between the Complainant’s trademark and the disputed domain name.

The Complainant contends that the addition of the gTLD “.COM” does not change the overall impression of the designation as being connected to the Complainant’s trademark and does not prevent a likelihood of confusion.

Therefore, the Complainant claims the disputed domain name is confusingly similar to its trademark.

THE RESPONDENT HAS NO RIGHTS OR LEGITIMATE INTERESTS IN RESPECT OF THE DISPUTED DOMAIN NAME

The Complainant asserts that the Respondent is not identified in the Whois database as the disputed domain name.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the domain name 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.
Neither license nor authorization has been granted to the Respondent to make any use of the Complainant’s trademark, or apply for registration of the disputed domain name by the Complainant.

The Complainant also claims that the disputed domain name is a typosquatted version of the Complainant's trademark. Typosquatting is the practice of registering a domain name in an attempt to take advantage of Internet users’ typographical errors and it demonstrates that the Respondent lacks rights and legitimate interests in the disputed domain name.

Furthermore, the disputed domain name resolves to a parking page with commercial links. The Complainant refers to past UDRP decisions where panels have found that it is not a bona fide offering of goods or services or legitimate non-commercial or fair use.

Based on the above, the Complainant claims that the second element of the UDRP has been satisfied.

THE DISPUTED DOMAIN NAME WAS REGISTERED AND IS BEING USED IN BAD FAITH

The Complainant's submissions on the bad faith element can be summarized as follows:

- The Complainant claims that its trademark is well-known and refers to previous decisions of UDRP panels that confirm well-known character of the Complainant’s trademark. Given the distinctiveness of the Complainant's trademark and its reputation, it is reasonable to infer that the Respondent has registered and used the domain name with full knowledge of the Complainant's trademark.
- The disputed domain name is a misspelling of the Complainant's trademark and this, in the Complainant's view, indicates bad faith registration and use.
- The disputed domain name resolves to a parking page with commercial links. The Complainant contends the Respondent has attempted to attract Internet users for commercial gain to his own websites thanks to the Complainant’s trademarks, which is an evidence of bad faith and
- The fact that MX servers are configured, in the Complainant’s opinion, suggests that, despite being inactive, the disputed domain name may be actively used for e-mail purposes.

PARTIES CONTENTIONS

The Complainant's contentions are summarized in the "Factual Background" section above

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

A. Identical or confusingly similar

The Complainant provided evidence of the international trademark registration "Boehringer" that is protected in various countries of the world.

As confirmed by the "WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition" ("WIPO Overview 3.0"): "where the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case" (see 1.2.1).

Therefore, the Complainant established its trademark ownership for the purpose of the Policy.

The test for confusing similarity under the UDRP is relatively straightforward and typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name.

The disputed domain name fully incorporates the "BOEHRINGER" mark of the Complainant plus an obvious misspelling of the term "INGELHEIM" (the inversion of the letters "i" and "e") that is a part of other marks of the Complainant, Complainant's company name and is a city of Complainant's location.

The Panel agrees with the views expressed in WIPO Overview 3.0: "Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, **geographical**, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element" (sec. 1.8) and "a domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element" (see sec. 1.9).

In the present case, the Complainant's word trademark "BOEHRINGER" is clearly recognizable within the disputed domain name.

The gTLD ".com" is to be disregarded under the confusing similarity test as it does nothing to eliminate confusion.

Therefore, the Panel finds that the first requirement of the Policy has been satisfied.

B. Rights or Legitimate Interests

The general rule is the following:

(i) a complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests; and

(ii) once such prima facie case is made, the burden shifts to the respondent who has to demonstrate his rights or legitimate interests in respect of the domain name under paragraph 4 (c) of the Policy.

If the respondent fails to do so, the second element of the Policy is satisfied, see **Julian Barnes v. Old Barn Studios, WIPO Case No. D2001-0121; Belupo d.d. v. WACHEM d.o.o., WIPO Case No. D2004-0110**.

The disputed domain name was registered on May 7, 2025. It resolves to a webpage with PPC links.

The Respondent did not respond.

While failure to respond does not per se demonstrate that the Respondent does not have rights or legitimate interests, it allows the

Panel to draw such inferences as it considers appropriate (see paragraph 14(b) of the Rules and **CAC Case No. 101284**: "A respondent is not obliged to participate in a proceeding under the Policy, but if it fails to do so, reasonable inferences may be drawn from the information provided by the complainant").

The Complainant has made a prima facie case of the Respondent's lack of rights or legitimate interests.

The Respondent is not known by the disputed domain name and is identified as an individual with no connection to the Complainant's business or the disputed domain name. The Complainant has not granted any license or authorization to use its trademark to the Respondent and the Complainant is not doing any business with the Respondent.

The nature of the disputed domain name is such that it creates an association with the Complainant and its business, it includes a misspelled version of the Complainant's trademark and its company name.

Previous UDRP panels noted that in such circumstances respondent does not have rights or legitimate interests, see e.g. **CAC Case No. 104298**: "The disputed domain names are typosquatted versions of its trademark which is further proof that the Respondent has no rights or legitimate interests under the Policy…"; **CAC Case No. 104715**: "These circumstances suggest to the Panel that the Respondent is seeking to capitalize deliberately on a predictable pattern of mistyping of the Complainant's mark by such users…" and **CAC Case No. 104778**: "In this case, the Panel finds that the disputed domain name can be considered as virtually identical to the Complainant's trademark as it simply adds two letters identical to the respective letters next to these, resulting in a high risk of implied affiliation".

Typosquatting does not create any rights or legitimate interests of the Respondent.

Use of the disputed domain name for PPC links in the circumstances of this case does not create any rights or legitimate interests of the Respondent.

Therefore, the Panel finds that the Complainant has satisfied the second element of the Policy.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy lists non-exhaustive circumstances indicating registration and use in bad faith.

These circumstances are non-exhaustive and other factors can also be considered.

It is well established that bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark (see 3.1 of WIPO Overview 3.0). Targeting with the intent to take unfair commercial advantage is important in establishing bad faith under the UDRP.

The Panel finds that the Complainant provided sufficient evidence that the disputed domain name was registered and is being used in bad faith based on the following:

- The nature of the disputed domain name ("typosquatting") and the timing of the registration of the disputed domain name – May 7, 2025, many years after the Complainant obtained protection for its trademark and became known under the "BOEHRINGER " and "BOEHRINGER INGELHEIM" mark and name. The nature of the disputed domain name indicates that the Respondent was aware of the Complainant and its trademark when he registered the disputed domain name.
- The strength and reputation of the Complainant's trademark. The Complainant alleges that its mark is well-known and refers to previous UDRP decisions. The Panel notes that the Complainant provided only limited evidence of well-known character of the "BOEHRINGER" and "BOEHRINGER INGELHEIM" trademarks (copies of webpages of the Complainant's Internet site with a description of its business and some facts and figures). Normally, more evidence is required to establish that a trademark is well-known/ has a strong reputation (e.g. evidence of awards, publications by independent sources, media reports, etc.). However, this is not fatal to the Complainant in the present dispute. The Panel indeed finds that the mark is widely known despite limited evidence provided by the Complainant. Panel's own limited independent research of publicly available sources also confirmed well-known character of the Complainant's trademark (exercising its powers under par. 10 of the UDRP rules) such as "Wikipedia" articles and publications about the Complainant and its activities in different countries. The Panel also takes note of previous UDRP decisions involving the Complainant and the same trademark of the Complainant such as **CAC Case No. 107493:** "The disputed domain name is a typosquatted version of the Complainant's trademark and, thus, confusingly similar to such mark...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" and **CAC Case No. 106843**: "The composition of the disputed domain name <boehringer-ingelhelms.com> has no meaning other than as a misspelling of the Complainant's mark. There appears to be no plausible reason for registering the disputed domain name other than to engage in typosquatting by registering the disputed domain name to create confusion among Internet users". As highlighted in "UDRP Perspectives on Recent Jurisprudence", updated on June 2, 2025 ("UDRP Perspectives"): "Targeting can be established by either direct evidence (e.g. content of the website) or circumstantial evidence such as strength of the mark and nature of a disputed domain name (e.g. mark plus a term describing Complainant's business), timing of registration of a domain name and timing of trademark registration, geographic proximity of the parties". Here the evidence and the nature of the disputed domain name (typosquatting) indicates targeting.
- While PPC links per se do not demonstrate cybersquatting (see sec. 3.6 of UDRP Perspectives), circumstances of this dispute, as explained above, indicate targeting.
  The fact that the disputed domain name is not used for any website except a page with PPC links but MX records are configured is an additional indication of bad faith in the circumstances of this case (see **CAC Case No. 105370**: "Although the disputed domain name appears to be inactive, it has been set up with MX records, which suggests that it may be actively used

for fraudulent email purposes").

The Panel notes that the disputed domain name was registered only recently, on May 7, 2025. In such circumstances, the Panel appreciates that the Respondent did not have enough time to develop any active website at the disputed domain name prior to the dispute. However, given the nature of the disputed domain name as explained above and the fact that the Complainant is a pharmaceutical company (industry with a high risk of fraud and counterfeiting activity), it is highly unlikely that the Respondent is able to develop a website that would not infringe on the Complainant's rights.

- The Panel finds that this is a clear case of targeting and an attempt to take unfair advantage of the Complainant's trademark and reputation by the Respondent. There are no rights or legitimate interests of the Respondent taking into account evidence and facts of this case and the only apparent reason for registration of the disputed domain name is an intent of the Respondent to take unfair advantage of the Complainant's mark and business reputation.

  Based on the above, the Panel finds that Respondent's behavior falls within, at least, par. 4 b (iv) of UDRP and the Respondent by using the disputed domain name has intentionally attempted to attract, for commercial gain, Internet users to his web site, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement and that the Respondent takes unfair advantage of the Complainant's mark.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **boehringeringelhiem.com**: Transferred

PANELLISTS

Name	**Igor Motsnyi**

DATE OF PANEL DECISION 2025-06-08

Publish the Decision