Decision for dispute CAC-UDRP-107566

Case number	CAC-UDRP-107566
Time of filing	2025-05-14 10:09:42
Domain names	novartisrus.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Novartis AG

Complainant representative

Organization	Abion GmbH

Respondent

Organization	Smith LLC

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 the following trademark registrations:

- International trademark, NOVARTIS, registration number 1349878, registered 29 November 2016;
- International trademark, NOVARTIS, registration number 666218, registered 31 October 1996;
- International trademark NOVARTIS, registration number 663765, registered 1 July 1996;
- International trademark NOVARTIS, registration number 1544148, registered 29 June 2020;
- US trademark NOVARTIS, registration number 4986124, registered 28 June 2016;
- US trademark NOVARTIS, registration number 6990442, registered 28 February 2023; and
- EU trademark NOVARTIS, registration number 000304857, registered 25 June 1999.

FACTUAL BACKGROUND

The Complainant is one of the biggest global pharmaceutical and healthcare groups. It is based in Switzerland and its products are manufactured and sold in many countries around the world.

The Complainant owns numerous trademark registrations for the trademark NOVARTIS that predate the registration of the disputed domain name. The Complainant also owns numerous domain names incorporating the NOVARTIS mark, including <novartis.com>

created on 2 April 1996 and <novartis.ru> created on 1 June 2000, which resolved to its official websites.

The disputed domain name was registered on 8 April 2025 using a privacy service.

On 16 April 2025, the Complainant's representative sent a cease and desist letter to the registrant of the disputed domain name. On 20 April 2025, the registrant replied: "If necessary, we are ready to remove prohibited content" but did not respond to the request to transfer the disputed domain name. "On 8 May 2025, the Complainant sent a further reminder but received no response.

The Respondent has not filed a response.

PARTIES CONTENTIONS

The Complainant asserts that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights. It asserts that the Respondent has no right or legitimate interests in the disputed domain name and states:

i. the Respondent is not known by the disputed domain name;
ii. the email addresses associated with the disputed domain name are falsely listed on certain Russian websites as the official contact information for the Novartis Group's subsidiary, Novartis Neva LLC';
iii. a search before registering the disputed domain name would show that the NOVARTIS mark is owned by the Complainant;
iv. the disputed domain name resolved to an inactive page and is not being used in connection with bona fide offering of goods or services; and
v. geographical term "rus" reflects the Respondent's intention to confuse Internet users by creating an association with the Complainant, which cannot be considered a bona fide offering of goods or services, nor legitimate noncommercial or fair use.

The Complainant also asserts that the disputed domain name has been registered and used in bad faith. It asserts 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

Paragraph 4 (a) of the Policy requires the Complainant to prove each of the following three elements:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

(ii) the Respondent has no rights or legitimate interests in the disputed domain name; and

(iii) the disputed domain name has been registered and used in bad faith.

A, IDENTICAL OR CONFUSINGLY SIMILAR

The Complainant owns of trademark registrations for NOVARTIS in numerous jurisdictions around the world. The disputed domain name is made up of the Complainant's distinctive trademark NOVARTIS, the letters "rus" and the top-level domain ".com". The most distinctive part of the disputed domain name is the mark NOVARTIS. Adding the letters "rus", an abbreviation for Russia, a country where the Complainant has an active business presence, does not avoid a finding that the disputed domain name is confusingly similar to the Complainant's trademark.

The addition of the top-level suffix, ".com" is a standard registration requirement. It can be disregarded when assessing whether the disputed domain name is confusingly similar to the Complainant's trademark, NOVARTIS.

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

B. NO RIGHTS OR LEGITIMATE INTEREST

The Complainant has submitted evidence of its rights in the mark NOVARTIS that predate the registration of the disputed domain name. It has submitted evidence and has established a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name. The burden of proof now shifts to the Respondent.

The Respondent has not filed a response, nor disputed any of the Complainant's assertions, nor provided any evidence of his rights or legitimate interests in the disputed domain name. The Respondent is not known by the disputed domain name, is not authorised to use the Complainant's trademark, has falsely attempted to create an association with the Complainant, and has provided false contact details. The disputed domain name resolves to an inactive page and there is nothing to indicate that the Respondent has any relevant rights or legitimate interests.

The Panel finds that the Respondent has no right or legitimate interest in the disputed domain name and that the requirements of paragraph 4(a)(ii) of the Policy have been met.

C. REGISTERED AND BEING USED IN BAD FAITH

The Complainant's trademark NOVARTIS predates the registration of the disputed domain name by nearly thirty years. The Complainant is leading global pharmaceutical company with a strong online presence. The most plausible reason for the Respondent incorporating the Complainant's distinctive trademark in the disputed domain name is that the Respondent knew of the Complainant and its trademark when he registered the disputed domain name.

The disputed domain name is currently held passively. This is not a bar to a finding of use in bad faith, see Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003. In the present case:

1. the Complainant's distinctive trademark predates the registration of the disputed domain name by nearly 30 years;
2. the Respondent has used a privacy service to hide his identity;
3. there is no evidence of any actual or contemplated good faith use by the Respondent;
4. active MX records are associated with the disputed domain name;
5. the Respondent did not respond to a request in the cease and desist letter to transfer the disputed domain name; and
6. the Respondent appears to have provided false contact details.

There does not appear any plausible actual or contemplated use of the disputed domain name by the Respondent that would not be illegitimate.

Considering all these factors and the evidence submitted with the Complaint, the Panel finds that the Respondent registered and has used the disputed domain name in bad faith and that the requirements of paragraph 4(a)(iii) of the Policy have been met.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **novartisrus.com**: Transferred

PANELLISTS

Name	Veronica Bailey

DATE OF PANEL DECISION 2025-06-16

Publish the Decision