Decision for dispute CAC-UDRP-107609

Case number	CAC-UDRP-107609
Time of filing	2025-05-22 16:14:09
Domain names	gosemdovici.com, imosipavici.com, gomosdivici.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Teva Pharmaceuticals USA, Inc

Complainant representative

Organization	SILKA AB

Respondents

Organization	***Maybe for sale on Dynadot Marketplace***
Name	mesut erdogan

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 names.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of the following trademark registrations:

- United Kingdom Trademark Registration number UK00004118581 GOMOSDI (word mark), filed on October 30, 2024 and registered on January 24, 2025, in international class 5;

- European Union Trademark Registration number 019098808 GOMOSDI (word mark), filed on October 30, 2024 and registered on March 19, 2025, in international class 5;

- United Kingdom Trademark Registration number UK00004118582 GOSEMDO (word mark), filed on October 30, 2024 and registered on January 24, 2025, in international class 5;

- European Union Trademark Registration number 019098824 GOSEMDO (word mark), filed on October 30, 2024 and registered on March 19, 2025, in international class 5;

- United Kingdom Trademark Registration number UK00004118599 IMOSIPA (word mark), filed on October 30, 2024 and registered on January 24, 2025, in international class 5;

- European Union Trademark Registration number 019098810 IMOSIPA (word mark), filed on October 30, 2024 and registered on March 19, 2025, in international class 5.

Moreover, in relation to the Complainant's rights, it is important to point out for the purposes of this case that the Complainant filed on October 24, 2024 the following trademark applications with the United States Patent and Trademark Office (USPTO):

- United States Trademark Registration number 98818004 GOSEMDO VICI (word mark), filed on October 30, 2024 in international class 5;

- United States Trademark Registration number 98818008 IMOSIPA VICI (word mark), filed on October 30, 2024 in international class 5;

- United States Trademark Registration number 98818012 GOMOSDI VICI (word mark), filed on October 30, 2024 in international class 5.

FACTUAL BACKGROUND

The Complainant is Teva Pharmaceuticals USA, Inc., a North American subsidiary of Teva Pharmaceutical Industries Ltd., a multinational pharmaceutical company headquartered in Israel and one of the world's largest generic medicines manufacturers. Teva was established in 1901 and incorporated in 1944, operating in more than 50 countries with approximately 37,000 employees worldwide and annual revenues exceeding USD 16.5 billion.

The Complainant is the owner of several trademarks consisting of the coined terms GOMOSDI, GOSEMDO and IMOSIPA, which are registered in the European Union and the United Kingdom for pharmaceutical goods in Class 5. These terms have no meaning in English and are exclusively associated with the Complainant's branding and commercial strategy.

Additionally, on October 24, 2024, the Complainant filed applications with the United States Patent and Trademark Office (USPTO) for the marks GOMOSDI VICI, GOSEMDO VICI, and IMOSIPA VICI, also in Class 5.

On the same day, the disputed domain names <gomosdivici.com>, <gosemdovici.com>, and <imosipavici.com> were registered using the same registrar (Dynadot LLC), the same privacy protection service (Super Privacy Service LTD c/o Dynadot), and are currently offered for sale on Godaddy's domain parking platform for USD 2,988 each.

PARTIES CONTENTIONS

The Complainant

The Complainant asserts that each of the elements enumerated in paragraph 4(a) of the Policy and the corresponding provisions in the Rules have been satisfied. In particular, the Complainant asserts that:

(1) the Complainant contends that the disputed domain names are confusingly similar to its trademarks GOMOSDI, GOSEMDO, and IMOSIPA and incorporate them in their entirety. These coined terms are the dominant elements of the corresponding marks, rendering the disputed domain names confusingly similar. The Complainant emphasizes that the addition of the term "VICI" does not prevent a finding of confusing similarity, as the essential and distinctive portions remain. The generic Top-Level Domain (gTLD) ".com" is standard and irrelevant to the assessment;

(2) the Complainant states that the Respondent has no rights or legitimate interests in the disputed domain names. The Complainant has not authorized the Respondent to use its trademarks or register any related domain names. The Respondent is not known by the disputed domain names and has not used them in connection with a bona fide offering of goods or services. The disputed domain names resolve to identical GoDaddy-hosted parking pages offering the disputed domain names for sale at the same price of USD 2,988, which, in the Complainant's view, indicates that the Respondent's only interest is commercial in nature and exploitative of the Complainant's rights;

(3) the Complainant argues that the Respondent registered and is using the disputed domain names in bad faith. All disputed domain names were registered on the same day, via the same registrar (Dynadot, LLC), using the same privacy service, and correspond directly to trademarks filed by the Complainant on that same day. Furthermore, all disputed domain names are offered for sale at an identical price and resolve to identical landing pages, supporting a conclusion that the Respondent was aware of the Complainant's trademark filings and acted opportunistically to register and profit from domains matching those marks. The Complainant contends that this constitutes a pattern of bad faith conduct aimed at pre-empting the Complainant's legitimate use of its own trademarks as the disputed domain names.

The Complainant asks that the disputed domain names be transferred.

The Respondent

The Respondent did not reply to the Complainant's contentions.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names are 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 names (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 names have been registered and are being used in bad faith (within the meaning of Paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

Consolidation of Respondents

The Panel notes that the Complainant has requested consolidation of the disputed domain names registered under privacy protection, potentially by multiple respondents. According to paragraph 10(e) of the Rules, a Panel may decide a request by a party to consolidate multiple domain name disputes in accordance with the Policy and the Rules.

Paragraph 10(c) of the Rules provides that the Panel shall ensure the proceeding is conducted with due expedition and gives equal treatment to the parties. The consensus view of UDRP panels, as reflected in section 4.11.2 of the WIPO Overview 3.0, is that consolidation of multiple domain names against multiple respondents may be appropriate where: (i) the domain names or corresponding websites are subject to common control; and (ii) consolidation would be fair and equitable to all parties.

In the present case, although the registrant information for the disputed domain names <gomosdivici.com>, <gosemdovici.com>, and <imosipavici.com> has been masked by a privacy service, the Panel considers the following factors as strongly supporting a finding of common control:

- all three disputed domain names were registered on the same day (October 24, 2024) through the same Registrar (Dynadot, LLC) and protected by the same privacy service (Super Privacy Service LTD c/o Dynadot);
- the disputed domain names resolve to identical GoDaddy parking pages and are each listed for sale for the same price of USD 2,988;
- the disputed domain names directly reflect, and are identical to, trademark applications filed by the Complainant on the same day, namely, GOMOSDI VICI, GOSEMDO VICI, and IMOSIPA VICI, each being distinctive coined terms.

The Panel considers these shared technical and factual elements to be clear indicators that the disputed domain names are subject to common control. The Panel further notes that consolidation would serve the interests of procedural efficiency and would be fair and equitable to all parties, particularly as the Respondent(s) have not come forward to oppose consolidation or otherwise participate in the proceedings.

Accordingly, the Panel grants the Complainant’s request to consolidate the disputed domain names for the purposes of this administrative proceeding. The multiple registrants are therefore reffered to as Respondent.

PRINCIPAL REASONS FOR THE DECISION

The burden for the Complainant under paragraph 4(a) of the Policy is to prove:

1) that the disputed domain names registered by the Respondent are identical or confusingly similar to a trademark in which the Complainant has rights;

2) that the Respondent has no rights or legitimate interests in respect of the disputed domain names; and

3) that the disputed domain names have been registered or are being used in bad faith.

The Panel will further analyse the potential concurrence of the above circumstances.

Moreover, the Panel has taken note of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0") and, where appropriate, will decide consistent with the consensus views captured therein.

1. Identical or Confusingly Similar

Under Paragraph 4(a)(i) of the Policy, the Complainant must demonstrate that the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

The Complainant has established rights in several registered trademarks, including GOMOSDI, GOSEMDO, and IMOSIPA, through valid registrations in the United Kingdom and the European Union.

The disputed domain names <gomosdivici.com>, <gosemdovici.com>, and <imosipavici.com> each incorporate the Complainant's respective trademarks in their entirety, GOMOSDI, GOSEMDO, and IMOSIPA, followed by the term "vici". It is well established under the UDRP that a domain name is confusingly similar to a complainant's mark where the mark is recognizable within the domain name. The addition of a non-distinctive element such as "vici" does not prevent a finding of confusing similarity.

Moreover, the generic Top-Level Domain ("gTLD") ".com" is viewed as a standard registration requirement and should be disregarded when assessing identity or confusing similarity under the first element of the Policy.

For these reasons, the Panel finds that the disputed domain names are confusingly similar to trademarks in which the Complainant has rights. The requirement under Paragraph 4(a)(i) of the Policy is therefore satisfied.

2. Rights or Legitimate Interests

Under Paragraph 4(a)(ii) of the Policy, the Complainant must show that the Respondent has no rights or legitimate interests in respect of the disputed domain names. Once a prima facie case is made by the Complainant, the burden shifts to the Respondent to demonstrate such rights or legitimate interests.

The Complainant asserts that it has not authorized, licensed, or otherwise permitted the Respondent to use its GOMOSDI, GOSEMDO, or IMOSIPA marks, nor any variations thereof. The Respondent is not affiliated with the Complainant and is not commonly known by the disputed domain names.

The disputed domain names resolve to parking pages offering the domain names for sale for USD 2,988. There is no evidence that the Respondent has used, or made demonstrable preparations to use, the disputed domain names in connection with a bona fide offering of goods or services, or for legitimate non-commercial or fair use purposes. Offering the domain names for sale, particularly at a price significantly exceeding out-of-pocket costs, does not, on its own, constitute a bona fide offering under the Policy.

Furthermore, the disputed domain names incorporate coined terms that correspond exactly to the Complainant's trademarks or pending trademark applications (GOMOSDI VICI, GOSEMDO VICI, IMOSIPA VICI). The timing of the domain name registrations, on the very date that the Complainant filed its applications with the USPTO and shortly before registrations in the UK and EU, strongly suggests that the Respondent sought to exploit the Complainant's nascent trademark rights. In such cases, panels have recognized that the respondent's conduct may amount to an opportunistic registration and thus fail to demonstrate any legitimate interest (see WIPO Overview 3.0, section 2.5.1 and section 3.8.2).

The Complainant has also confirmed that the disputed domain names and their component terms do not have any descriptive or commonly understood meaning in the English language, further diminishing the likelihood of independent rights or interests on the part of the Respondent.

Given the above, and in the absence of any evidence to the contrary from the Respondent, the Panel finds that the Complainant has established a prima facie case and that the Respondent lacks rights or legitimate interests in the disputed domain names. Accordingly, the second element under Paragraph 4(a)(ii) of the Policy is satisfied.

3. Registered or Used in Bad Faith

Paragraph 4(a)(iii) of the Policy requires the Complainant to demonstrate that the disputed domain names were registered and are being used in bad faith. Paragraph 4(b) of the Policy provides non-exhaustive circumstances that may evidence bad faith registration and use.

In this case, the Panel finds that the Respondent registered the disputed domain names in bad faith. The disputed domain names <gomosdivici.com>, <gosemdovici.com>, and <imosipavici.com> were registered on the very same day the Complainant filed its trademark applications for the corresponding marks, which are composed of coined, inherently distinctive terms that have no dictionary meaning. This close timing, combined with the invented nature of the terms, makes it implausible that the Respondent independently conceived of these domain names without knowledge of the Complainant or its trademark filings.

Furthermore, the Complainant is part of Teva Pharmaceutical Industries Ltd., a well-known global pharmaceutical company with operations in dozens of countries. This notoriety, supported by evidence submitted with the Complaint, strengthens the inference that the Respondent was aware of the Complainant's business and marks at the time of registration and intentionally targeted them.

The Panel notes that registering domain names that replicate trademark applications on the same day as the filing date, with no plausible explanation for the choice of these particular strings, supports a finding of bad faith registration. In accordance with WIPO Overview 3.0, sections 3.8.1 and 3.8.2, UDRP panels have found bad faith where a domain name was registered in anticipation of

trademark rights and with the intent to unfairly capitalize on them.

Additionally, the disputed domain names resolve to parking pages where they are offered for sale for a price of USD 2,988. This conduct falls squarely under Paragraph 4(b)(i) of the Policy, which deems it evidence of bad faith when a respondent has registered the domain name primarily for the purpose of selling it to the complainant or a competitor for valuable consideration exceeding the respondent's out-of-pocket costs.

The Panel also notes that the Respondent registered three disputed domain names targeting three separate trademarks belonging to the Complainant, indicating a pattern of conduct consistent with cybersquatting. Such conduct, particularly when involving multiple domain names directed at the same brand owner, is recognized in UDRP jurisprudence as further evidence of bad faith. See WIPO Overview 3.0, section 3.1.2.

Taking into account all the above, including the Respondent's registration of the disputed domain names coinciding with the filing dates of the Complainant's trademark applications, the lack of any response from the Respondent, the implausibility of independent creation, and the offer to sell the disputed domain names, the Panel finds that the disputed domain names were registered and are being used in bad faith within the meaning of paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **gosemdovici.com**: Transferred
2. **imosipavici.com**: Transferred
3. **gomosdivici.com**: Transferred

PANELLISTS

Name	**Ganna Prokhorova**

DATE OF PANEL DECISION 2025-06-27

Publish the Decision