Decision for dispute CAC-UDRP-107633

Case number	CAC-UDRP-107633
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Domain names	boehringer--Ingelheim.com, boehringer-ingelhseim.com

Case administrator

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

Complainant

Organization	Boehringer Ingelheim Pharma GmbH & Co.KG

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Susana Alvarez

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 owns several trade marks consisting of the name BOEHRINGER INGELHEIM, including the international trade mark BOEHRINGER-INGELHEIM, registration number 221544, first registered on 2 July 1959 in international classes 1, 2, 3, 4, 5, 6, 16, 17, 19, 29, 30 and 32; and the international trade mark BOEHRINGER INGELHEIM, registration number 568844, first registered on 22 March 1991 in international classes 1, 2, 3, 4, 5, 9, 10, 16, 30 and 31.

Furthermore, the Complainant owns multiple domain names consisting of the words “BOEHRINGER INGELHEIM”, including <boehringer-ingelheim.com>, registered on 1 September 1995, which is connected to the Complainant’s official website through which it informs Internet users and customers about its products and services.

FACTUAL BACKGROUND

The Complainant is a family-owned pharmaceutical group of companies with roots going back to 1885, when it was founded by Albert Boehringer in Ingelheim am Rhein. Today, the Complainant is a global research-driven pharmaceutical enterprise with around 53,500 employees. It is divided into two business areas: human pharma and animal health. In 2023, the Complainant achieved net sales of EUR25.6 billion.

The Respondent registered the disputed domain names <Boehringer--LnGelHeim.com> and <Boehringer-IngelhSeim.com> on 28 May 2025. The disputed domain names are both inactive. MX servers are configured for the domain name <boehringer-ingelhseim.com>.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain names 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 names are identical or confusingly similar to a trade mark 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

The Panel notes that the amended complaint relates to two disputed domain names registered by the same Respondent with the same registrar within minutes of each other on the same date. The disputed domain names both resolve to inactive pages. Paragraph 3(c) of the Rules permits that “[t]he complaint may relate to more than one domain name, provided that the domain names are registered by the same domain-name holder”, as is the case here.

The Panel is satisfied that all other 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

With regard to the first UDRP element, the Panel finds that the disputed domain names are confusingly similar to the Complainant's trade mark BOEHRINGER-INGELHEIM. Indeed, the disputed domain names incorporate the Complainant's trade mark in their entirety, save that the disputed domain name <Boehringer--LnGelHeim.com> adds an additional hyphen to the Complainant’s trade mark BOEHRINGER-INGELHEIM and replaces the initial letter “I” in “Ingelheim” with the letter “L”; and in the case of the disputed domain name <Boehringer-IngelhSeim.com> adds the letter “S” to the Complainant’s trade mark. The Panel considers the present case to be a plain case of "typosquatting", i.e., the disputed domain names contain an obvious and intentional misspelling of the Complainant's trade mark, which is not sufficient to alter the overall impression of the designations as being connected to the Complainant’s trade mark. Minor alterations to the Complainant's trade mark do not prevent the likelihood of confusion between the disputed domain names and the Complainant, its trade mark and associated domain name. The Panel follows in this respect the view established by numerous other decisions that a domain name which consists of a common, obvious, or intentional misspelling of a trade mark is to be considered to be confusingly similar to the relevant trade mark (see, for example, CAC Case No. 103124, Boehringer Ingelheim Pharma GmbH & Co.KG v. Fundacion Comercio Electronico <boehringeringelheimpetrreebates.com>; CAC Case No. 101990, JCDECAUX SA v. Emma Purnell <jcdeceux.com>; CAC Case No. 101892, JCDECAUX SA v. Lab-Clean Inc <jcdacaux.com>; WIPO Case No. D2005-0941, Bayerische Motoren Werke AG, Sauber Motorsport AG v. Petaluma Auto Works <bmwsauberf1.com>; WIPO Case No. D2015-1679, LinkedIn Corporation v. Daphne Reynolds <linkedlnjobs.com>; CAC Case No. 103960, SCHNEIDER ELECTRIC SE v. michele Swanson <schnaider-electric.com> (“the obvious misspelling of the Complainant’s trademark SCHNAIDER ELECTRIC instead of SCHNEIDER ELECTRIC is a clear evidence of "typosquatting“); and CAC Case No. 103166, BOURSORAMA SA v. Cloud DNS Ltd <recover-bousorama.link> ("A domain name that contains sufficiently recognizable

aspects of the relevant mark and uses a common name, obvious or intentional misspelling of that mark is considered by UDRP panels to be similar to the relevant mark for the purposes of the first element (see paragraph 1.9 WIPO Overview 3.0)").

With regard to the second UDRP element, there is no evidence before the Panel to suggest that the Respondent has made any use of, or demonstrable preparations to use, the disputed domain names in connection with a bona fide offering of goods or services. Neither is there any indication that the Respondent is making legitimate non-commercial or fair use of the disputed domain names. Indeed, neither of the disputed domain names is being used for any active website. A lack of content at the disputed domain has in itself been regarded by other panels as supporting a finding that the Respondent lacked a bona fide offering of goods or services and did not make legitimate non-commercial or fair use of the disputed domain name (see, for example, Forum Case No. FA 1773444, Ashley Furniture Industries, Inc v. Joannet Macket/JM Consultants). The Panel further finds that the Respondent is not affiliated with or related to the Complainant in any way and is neither licensed nor otherwise authorised to make any use of the Complainant's trade marks or to apply for or use the disputed domain names. Additionally, the Whois information for the disputed domain name does not suggest that the Respondent is commonly known by the disputed domain names <Boehringer--LnGelHeim.com> or <Boehringer-IngelhSeim.com>. Past panels have held that a respondent was not commonly known by a disputed domain name if the Whois information was not similar to the disputed domain name, as is equally not the case here (see, for example, NAF Case No. FA 1781783, Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II v. Chad Moston / Elite Media Group <bobsfromsketchers.com> ("Here, the WHOIS information of record identifies Respondent as "Chad Moston / Elite Media Group." The Panel therefore finds under Policy ¶ 4(c)(ii) that Respondent is not commonly known by the disputed domain name under Policy ¶ 4(c)(ii)."). Finally, as noted above, the disputed domain names are a typosquatted version of the Complainant's trade mark; the Panel follows the view expressed in other decisions that typosquatting can evidence that a respondent lacks rights and legitimate interests in the domain name (see, for example, NAF Case No. 1597465, The Hackett Group, Inc. v. Brian Herns / The Hackett Group < thehackettgroups.com> ("The Panel agrees that typosquatting is occurring, and finds this is additional evidence that Respondent has no rights or legitimate interests under Policy ¶ 4(a)(ii)."). Against this background, and absent any response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain names.

With regard to the third UDRP element, it is reasonable to infer that the Respondent either knew, or should have known, that the disputed domain names would be confusingly similar to the Complainant's trade mark, and that she registered the disputed domain names in full knowledge of the Complainant's trade mark. If the Respondent had carried out a Google search for the term "Boehringer-Ingelheim", the search results would have yielded immediate results related to the Complainant and to its website and its connected business, products and services. Indeed, it is likely that the disputed domains would not have been registered if it were not for the Complainant's trade mark (see, for example, WIPO Case No D2004-0673 Ferrari Spa -v- American Entertainment Group Inc). The Panel considers that the disputed domain names were intentionally designed to be confusingly similar with the Complainant's trade mark. Previous Panels have seen such actions as evidence of bad faith, which is a view the Panel in these proceedings shares (see, for example, NAF Case No. FA 877979, Microsoft Corporation v. Domain Registration Philippines <microssoft.com> ("In addition, Respondent's misspelling of Complainant's MICROSOFT mark in the <microssoft.com> domain name indicates that Respondent is typosquatting, which is a further indication of bad faith registration and use pursuant to Policy ¶ 4(a)(iii)."). Furthermore, the disputed domain names are both inactive. The Respondent has not demonstrated any activity in respect of the disputed domain names. First, it is difficult to conceive of any plausible actual or contemplated active use of the disputed domain names by the Respondent that would not be illegitimate on the grounds that it would constitute passing off, an infringement of consumer protection legislation, or an infringement of the Complainant's rights under trade mark law under circumstances where the disputed domain names correspond to the Complainant's trade mark and are similar to the Complainant's genuine domain name currently used by the latter to promote its goods and services. Secondly, numerous other UDRP decisions have taken the view, which this Panel shares, that the passive holding of a domain name with knowledge that the domain name infringes another party's trade mark rights may in itself be regarded as evidence of bad faith registration and use (see, for example, WIPO Case No. D2000-0003, Telstra Corporation Limited v. Nuclear Marshmallows; and WIPO Case No. D2004-0615, Comerica Inc. v. Horoshiy, Inc.). Finally, it appears that one of the disputed domain names has been configured with MX records, which suggests that it may actively be used for e-mail purposes, or that such use is at least contemplated. In circumstances where there is, as is the case here, a high risk and likelihood of confusion on the part of Internet users as to the affiliation between the disputed domain name and the Complainant, the Panel concludes that there is no apparent basis on which the Respondent would be able to make any good faith use of the disputed domain name as part of an e-mail address (see, for example, WIPO Case No. D2023-2997, AB Electrolux v. domain admin <electroluxweb.com> ("Also, the activation of MX records (submitted by the Complainant in Annex V) reveals that the Respondent might intend to send suspicious emails such as phishing emails, which only emphasize the Respondent's bad faith in the use and registration of the disputed domain name."); Forum Case No. 1998634, Morgan Stanley v. Stone Gabriel <morgan-stanly.co> ("The Panel has determined that there are MX records for the disputed domain name, therefore it might be intended for use in an email phishing scheme."); and WIPO Case No. D2022-3791, TEVA Pharmaceutical Industries Limited v. Name Redacted <tevapharmamumbai.com> ("The Panel finds that Respondent's registration of MX records in respect of the disputed domain are further circumstances demonstrating bad faith registration and use of the disputed domain name.")). Absent any response from the Respondent, or any other information indicating the contrary, the Panel therefore also accepts that the Respondent has registered and is using the disputed domain names in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **boehringer--lngelheim.com**: Transferred
2. **boehringer-ingelhseim.com**: Transferred

PANELLISTS

Name	**Gregor Kleinknecht LLM MCIArb**

DATE OF PANEL DECISION 2025-06-29

Publish the Decision