Decision for dispute CAC-UDRP-107647

Case number	CAC-UDRP-107647
Time of filing	2025-06-09 09:54:09
Domain names	nexgard-plus-for-dogs.cfd

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	BOEHRINGER INGELHEIM ANIMAL HEALTH FRANCE

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	VEMOBLI

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

EU TM Registration No. 011855061 NEXGARD for veterinary articles and veterinary preparations in class 5 with a priority date of 29 May 2013.

FACTUAL BACKGROUND

The Complainant asserts it is the "number one global player in the pet and equine markets" and has provided evidence that it develops veterinary products. It further has provided evidence that one of its veterinary products is a flea and tick treatment for dogs sold under the trade mark NEXGARD.

Besides these assertions it provides very little detail about itself or its use of NEXGARD.

The Complainant asserts it is the trade mark owner of various trade marks for the word NEXGARD including the above mentioned EU trademark registration.

The disputed domain name was registered by the Respondent on 29 May 2025. The Respondent registered its name as "Clark Smith" of the organization "VEMOBLI" and its address as a location in the United States of America.

The Respondent has directed the disputed domain name to a parking page with sponsored links.

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

Paragraph (4)(a) of the Policy lists three elements that the Complainant must prove to merit a finding that the disputed domain name registered by the Respondent be transferred to the Complainant:

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

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

3) the disputed domain name has been registered and is being used in bad faith.

The Panel is satisfied that the Complainant has satisfied all three elements for the principal reasons set out below.

RIGHTS IN AN IDENTICAL OR CONFUSINGLY SIMILAR TRADEMARK

As mentioned above the Complainant claims registered rights over the trade mark NEXGARD through a number of prior registrations including EU TM Registration No. 011855061 NEXGARD for veterinary articles and veterinary preparations in class 5 with a priority date of 29 May 2013.

To satisfy paragraph 4(a)(i) of the Policy it is enough that the Panel is satisfied that the Complainant has registered rights in a single trademark in a single jurisdiction that predates the registration of the disputed domain name (even if that single jurisdiction is not one in which the Respondent resides or operates) (Koninklijike KPN N.V. v. Telepathy, Inc D2001-0217 (WIPO May 7, 2001); see also WIPO Case Nos. D2012-0141 and D2011-1436).

Prior registered rights in NEXGARD are clearly established here.

The next question is whether the disputed domain name, <nexgard-plus-for-dogs.cfd>, is confusingly similar to nexgard.

The words "plus-for-dogs" are purely descriptive of veterinary articles and veterinary preparations (which are listed in the Complainant's above mentioned trademark registration). Further, the gTLD <.cfd> will be ignored by consumers. The only distinctive element in the disputed domain name is the inclusion of NEXGARD.

The Panel is therefore satisfied that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

NO RIGHTS OR LEGITIMATE INTERESTS

The Respondent's name bears no resemblance to the disputed domain name. Further, the disputed domain name resolves to a parking page. Such use of the domain name does not establish rights or legitimate interests. It simply shows the Complainant has chosen to park the domain name for commercial gain.

There is simply no basis to conclude that the Respondent has rights or interests in the disputed domain name.

BAD FAITH

It is the Complainant's onus to establish bad faith. Here the Panel finds that onus has been met, however not by a large margin. As mentioned above, the Complainant has provided very little detail on its use of NEXGARD and any reputation in that mark.

Failing to redirect a domain name to an active website or merely directing the domain name to a basic parking page that contains links to other websites can be legitimate conduct. It is commonly referred to as 'passive holding'. Whilst it is true that the passive holding of a domain name may, in appropriate circumstances, be indicative of bad faith. It will only be so indicative when all the circumstances of the Respondent's behaviour indicate he or she is acting in bad faith (Telstra Corporation Ltd v. Nuclear Marshmallows D2000-0003 (WIPO February 18, 2000). There is no law or rule that a domain name cannot be parked or that it must be used to redirect to an active website within a specific period of time.

In the present matter the parking page to which the disputed domain name directs contains links to the Complainant's website. The Complainant has put allegations to the Respondent that it had no bona fide purpose to so use the disputed domain name and it is likely to create confusion. Further, it puts the allegation to the Respondent that its conduct was for the purpose of commercial gain. The Respondent has failed to rebut these allegations and the Panel finds they are made out.

It may be inferred from the Complainant's assertion that it is a "number one global player in the pet and equine markets" that it intended to submit it had a strong reputation in its trade marks. However it provides virtually no facts to support such a claim to reputation. Whilst the present dispute may be determined with ease due to the failure due to the failure of the Respondent to rebut allegations made against it, that outcome is one that has been assisted by such failure. It is unusual for a Complainant to submit so little evidence of an alleged reputation.

Nevertheless, the Panel finds the disputed domain name has been registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **nexgard-plus-for-dogs.cfd**: Transferred

PANELLISTS

Name	**Andrew Sykes**

DATE OF PANEL DECISION 2025-07-04

Publish the Decision