Decision for dispute CAC-UDRP-107628

Case number	CAC-UDRP-107628
Time of filing	2025-05-28 12:09:19
Domain names	testogel.store

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	BESINS HEALTHCARE LUXEMBOURG SARL

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Carl Enow

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 is the owner - among others - of the international trademark registration no. 458834 "TESTOGEL", granted on March 5, 1981 and duly renewed.

The Complainant also owns the domain name <testogel.com> since April 12, 2000.

FACTUAL BACKGROUND

The Complainant – a well-known pharmaceutical company established in 1885 and based in Monaco – owns a portfolio of brands including international trademark registration no. 458834 "TESTOGEL".

The Respondent has registered the disputed domain name <testogel.store> on May 19, 2025, which is not currently active, but previously resolved to a website where testosterone products were offered for sale, under the brand TESTOGEL and the competitive brand TOSTRAN.

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

THE DISPUTED DOMAIN NAME IS IDENTICAL OR CONFUSINGLY SIMILAR TO THE COMPLAINANT`S TRADEMARK

The Panel finds that the disputed domain name is confusingly similar to the trademark “TESTOGEL” registered by the Complainant, which has proven to have prior rights since 1981.

In particular, the Panel agrees that the addition of a new generic Top-Level Domain suffix such as “.store” does not change the overall impression of the designation as being connected to the Complainant's trademark.

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

According to the information provided by the Complainant, the Respondent is not affiliated or authorized by the Complainant in any way. Likewise, the Complainant neither licensed nor authorized the Respondent to make any use of its trademark “TESTOGEL”, or to apply for registration of the disputed domain name on behalf of the Complainant. The Complainant does not carry out any activity for, nor has any business with the Respondent.

It is undeniable that the Complainant is only required to make out a prima facie case that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. Once such a prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a) (ii) of the Policy.

Given all the above and taking into account the fact that the Respondent did not provide any response within the present proceeding, the Panel accepts the contentions of the Complainant that the Respondent has no such rights or legitimate interests in <testogel.store>.

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

The Panel finds that the Complainant successfully submitted prima facie evidence that the Respondent has made no use of, or demonstrable preparations to use, the disputed domain name neither in connection with a bona fide offering of goods or services,

nor is making a legitimate non-commercial or fair use of the disputed domain name.

In the absence of a response from Carl Enow and given the reputation of the Complainant and its trademark, the Panel infers that the Respondent had the Complainant's trademarks "TESTOGEL" in mind when registering the disputed domain name, especially taking into account that <testogel.store> previously redirected to a webpage where testosterone products were offered for sale, both with the Complainant´s trademark TESTOGEL and the competitive brand TOSTRAN.

The above circumstance suggests that the Respondent has attempted to attract Internet users for commercial gain to another website thanks to the Complainant's trademark for its own commercial gain, which is an evidence of bad faith (see, among others, WIPO Case No. D2018-0497, StudioCanal v. Registration Private, Domains By Proxy, LLC / Sudjam Admin, Sudjam LLC).

Consequently, the Panel believes that the disputed domain name was 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. **testogel.store**: Transferred

PANELLISTS

Name	**Tommaso La Scala**

DATE OF PANEL DECISION 2025-07-07

Publish the Decision