# Decision for dispute CAC-UDRP-107697

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| Case number | CAC-UDRP-107697 |
| Time of filing | 2025-06-25 14:48:10 |
| Domain names | tevabiosmilars.com |

## Case administrator

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| Name | Olga Slanařová (Case admin) |

## Complainant

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| Organization | Teva Pharmaceutical Industries Ltd. |

## Complainant representative

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| Organization | SILKA AB |

## Respondent

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| Name | Stanley Ajuru |

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 registered owner of multiple trademarks consisting of or containing TEVA including:

United States of America Registered Trademark Number 1567918 for the word mark TEVA, registered on November 28, 1989, in Class 5;

European Union Registered Trademark Number 7257611 for the figurative mark TEVA, registered on August 4, 2009, in Classes 1, 3, 5, 10, 31, and 42; and

French Registered Trademark Number 3706086 for the word mark TEVA BIOSIMILAIRES, registered on January 20, 2010, in Classes 1, 5, 35, 41, 42 and 44.

FACTUAL BACKGROUND

The Complainant is a global pharmaceutical company which delivers high-quality, patient-centric healthcare solutions used by millions of patients every day. The Complainant is one of the world's largest generic medicines producers, leveraging a portfolio of 3,600 different products in nearly every therapeutic area. According to the Complainant's annual report, the Complainant was active in 2024 in 57 countries, and it had revenues of more than USD 16.5 billion, and approximately 37,000 employees internationally.

The Complainant uses the domain name <tevabiosimilars.com> (registered on December 15, 2009), for an official website which displays information about the Complainant and its activities.

The disputed domain name <tevabiosmilars.com> was registered on June 19, 2025, and resolves to the Complainant's said official website. MX records are configured in the DNS to which the disputed domain name has been delegated, meaning that it is capable of receiving e-mail.

## PARTIES CONTENTIONS

Complainant:

The disputed domain name reproduces the Complainant's distinctive TEVA trademark in its entirety and is almost identical to the Complainant's TEVA BIOSIMILAIRES trademark, and also to the Complainant's official domain name <tevabiosimilars.com>, except for the deletion of one of its letters, "i". The disputed domain name is a typical typosquatting example, as it reproduces the Complainant's trademark and domain name in their entirety but with only minor alterations of letters, which do not prevent the Complainant's trademark from being sufficiently recognizable within the disputed domain name.

The disputed domain name contains the Complainant's TEVA mark together with the combination of letters "biosmilars", and the suffix ".com", which may be disregarded for the purposes of the comparison as is typical in proceedings under the Policy. The disputed domain name is therefore identical or confusingly similar to a mark in which the Complainant has rights.

The Respondent has no rights or legitimate interests in the disputed domain name.

The Respondent is not a licensee of the Complainant, and it has not received any consent, permission, or authorization from the Complainant to use its well-known TEVA mark in association with the registration of the disputed domain name. The disputed domain name and the terms "tevabiosmilars" or "teva biosmilars" have no meaning in English. The Complainant has found nothing to suggest that the Respondent owns any identical trademarks to the disputed domain name or to the terms "tevabiosmilars" or "teva biosmilars", or has been commonly known by such terms.

The disputed domain name is a typosquatted version of the Complainant's trademark and was registered in an attempt to take advantage of Internet users' typographical errors. This can constitute evidence that a respondent lacks rights and legitimate interests in the domain name concerned.

The disputed domain name redirects to the Complainant's official website. Accordingly, the Respondent is not making a bona fide offering of goods or services by means of the disputed domain name, nor a legitimate non-commercial or fair use thereof.

The disputed domain name was registered and is being used in bad faith.

The Complainant's trademark is widely known and previous panels under the Policy have confirmed its notoriety. Given the distinctiveness of the Complainant's trademark and reputation, it is reasonable to infer that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademark. The misspelling of the Complainant's trademark was intentionally designed to be confusingly similar thereto. Previous panels under the Policy have seen this as evidence of bad faith.

The disputed domain name redirects to the Complainant's official website, confirming the Respondent's prior knowledge of the Complainant's rights, which is a hallmark of bad faith. The disputed domain name has been registered by the Respondent in an effort to take advantage of the reputation that the Complainant has built up in its trademark with the sole aim of creating a likelihood of confusion with the Complainant's trademarks and official domain name.

The disputed domain name has configured MX records which suggests that the disputed domain name may be used actively for e-mail purposes, which constitutes a threat of abusive use of the disputed domain name, such as use in a phishing scheme. It is inconceivable that the Respondent will be able to make any good faith use of the disputed domain name as part of an e-mail address.

Respondent:

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 Complainant has provided evidence affirming that it is the registered owner of various TEVA trademarks and of a French registered trademark for TEVA BIOSIMILAIRES. Prior UDRP panels have found that a disputed domain name is confusingly similar to a complainant's trademark where the disputed domain name incorporates the complainant's trademark in its entirety (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 1.7). The Panel notes that the Complainant's registered trademark TEVA is fully incorporated in the disputed domain name. Furthermore, the disputed domain name is, in its second level, a close typographical variant of the Complainant's said TEVA BIOSIMILAIRES trademark.

The generic Top-Level Domain ("gTLD") ".com" of the disputed domain name is typically disregarded under the first element test. The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

With regard to the second element of the Policy, the Complainant asserts that the Respondent is not commonly known by the disputed domain name (according to a Google search), and that the Respondent is neither licensed nor authorized by the Complainant in any manner to make any use of the Complainant's said trademark or to apply for registration of the disputed domain name. The Complainant notes that the disputed domain name is a typographical variant both of its TEVA BIOSIMILAIRES mark, and of its own domain name <tevabiosimilars.com>, from which it differs only by the omission of the second letter "i". The disputed domain name thus may potentially be used to impersonate the Complainant, and it is noted that MX records are configured, such that it may be used for abusive e-mail purposes.

The Panel finds that the Complainant's assertions, taken together, are sufficient to constitute the requisite prima facie case that the Respondent has no rights and legitimate interests in the disputed domain name (see, for example, section 2.1 of the WIPO Overview 3.0). In particular, the Panel accepts that the disputed domain name is more probably than not a typosquatted or intentionally registered typographical variant of the Complainant's trademark which is intended to take unfair advantage of Internet users' typographical errors in typing the Complainant's mark or corresponding official domain name, to cause confusion in the selection of a hyperlink, or otherwise to impersonate the Complainant, including by way of misleading e-mail. It follows that the disputed domain name has been created and is being used for the purposes of typosquatting, and this strongly suggests a lack of rights and legitimate interests on the Respondent's part. Furthermore, the fact that the disputed domain name is delegated to DNS with configured MX records supports the notion that the Respondent may be planning to use it in connection with e-mail which the recipient will mistakenly believe to emanate from (or be addressed to) the Complainant. Such activity cannot give rise to rights or legitimate interests in the disputed domain name.

The Respondent has not replied to the Complainant's allegations and evidence in this case and has failed to set out any alleged rights or legitimate interests which it might have claimed in the disputed domain name. There are no submissions or evidence on the record which might serve to rebut the Complainant's prima facie case. Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

The Panel finds that the disputed domain name has been registered and is being used in bad faith. The Panel accepts the Complainant's submission that the Complainant's mark is highly distinctive and well-established. The Panel finds that the disputed domain name is an intentionally designed typosquatting variant of the Complainant's mark. In these circumstances, it is entirely reasonable to infer that the disputed domain name was registered by the Respondent with knowledge of the Complainant and its rights, and with an intent to target these.

The presence of configured MX records within the DNS servers to which the disputed domain name is delegated strongly indicates to the Panel that the Respondent may be planning to use the disputed domain name for e-mail purposes. Any e-mail referencing or using the disputed domain name (whether deployed as the "from" e-mail address or as the "reply to" address or otherwise referred to in the e-mail content) would impersonate the Complainant, taking unfair advantage of the confusing misspelling of the Complainant's mark, ultimately for the Respondent's commercial benefit. Even if there is no direct evidence of such an e-mail having been sent as yet, the continued registration of the disputed domain name constitutes a threat hanging over the Complainant of which the Complainant is reasonably apprehensive. The existence of such an ongoing threat is typically regarded as an indicator of

bad faith under the Policy (see, for example, IP86, LLC v. Name Redacted, WIPO Case No. D2022-4896).

In all of these circumstances, the Panel considers that the Complainant has made out a sufficient case of registration and use in bad faith. The Respondent has not filed a Response in this case and therefore has made no rejoinder to the Complainant's assertions of bad faith registration and use. No explanation has been presented by the Respondent that might have suggested that its actions regarding the disputed domain name were in good faith, and the Panel has been unable to identify any conceivable good faith motivation which the Respondent might have put forward for its registration and use of the disputed domain name.

In all of these circumstances, the Panel finds that 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. **tevabiosmilars.com**: Transferred

## PANELLISTS

| Name | **Andrew Lothian** |
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DATE OF PANEL DECISION 2025-07-21

Publish the Decision