Decision for dispute CAC-UDRP-107648

Case number	CAC-UDRP-107648
Time of filing	2025-06-12 13:38:19
Domain names	piliva.com

Case administrator

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

Complainant

Organization	Pliva Hrvatska D.O.O.

Complainant representative

Organization	SILKA AB

Respondent

Name	danny cole

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 holds multiple trademarks for the term PLIVA, covering a number of jurisdictions around the world. The active PLIVA trademark registrations include:

Trademark	Origin	Registration Number	Registration Date	Class(es) Covered
[PLIVA] (with design elements)	Serbia	012608	19. 03. 1953	5
PLIVA	Croatia	Z932534	08. 03. 1996	1, 3, 5, 16, 29, 30, 32, 33
PLIVA	IR	673793	10. 12. 1996	1, 3, 5, 16, 21, 28, 29, 30, 31, 32, 33
PLIVA	UK	UK00002281294	15. 03. 2025	1, 3, 5
PLIVA	North Macedonia	11029	11. 05. 2006	1, 3, 5
PLIVA	Canada	TMA727553	30. 10. 2008	1, 5, 16, 20

The Complainant also has a longstanding online presence through its primary website at pliva.hr, which it uses to promote its

operations, products, and research. It also holds the domain <pliva.com>, which has been in use for over two decades, currently redirects to the Croatian site, and is used by the Complainant for employee e-mail addresses. The Complainant operates additional country-specific websites, including www.pliva.ba and www.pliva.com.mk, which support its established operations in Bosnia and Herzegovina and North Macedonia, respectively. Further online assets include www.plivazdravlje.hr, a health information portal aimed at the general public and healthcare professionals, as well as the domain name <plivahealth.com>, the English-language equivalent, which the Complainant recovered and now holds via its parent company, Teva Pharmaceutical Industries Ltd., following a successful UDRP proceeding.

FACTUAL BACKGROUND

The Complainant's PLIVA mark enjoys longstanding recognition in the pharmaceutical sector. The brand has been featured in various news articles and industry publications highlighting its research contributions, corporate developments, and market presence. The Complainant also has a notable social media presence across multiple platforms, with 42 thousand followers on Facebook, almost 8 thousand followers on Instagram, and with more than 1.6 thousand employees connected to its LinkedIn profile.

The Complainant has been a successful complainant in a previous UDRP proceeding involving the PLIVA mark: Pliva Hrvatska D.O.O. v. Domain Administrator, See PrivacyGuardian.org / yulin zhu, WIPO Case No. D2021-0365 (concerning **<plivahealth.com>**).

The Complainant has established that the Respondent has used the disputed domain name – which is confusingly similar to the Complainant's PLIVA mark and its corporate domain <pliva.com> – in a fraudulent e-mail phishing scheme intended to impersonate an employee of the Complainant and deceive a business partner into redirecting a payment by purchasing and transferring cryptocurrency, as requested by the Respondent. To do so, the Respondent appears to have inserted itself into an existing e-mail thread between the Complainant and the third party, replicating the thread using e-mail addresses very similar to those of employees and differing from the genuine addresses by only one single letter in each case.

The disputed domain name was registered on 13. 05. 2025 and is therefore younger than the rights held by the Complainant.

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

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According to Paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements to obtain an order that the disputed domain name should be transferred or cancelled:

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

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

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

The Panel has examined the evidence available to it and has come to the following conclusion concerning the satisfaction of the three elements of paragraph 4(a) of the Policy in these proceedings:

EARLIER RIGHTS

The Complainant has established rights in the name PLIVA. The disputed domain name <PILIVA.COM> is found to be confusingly similar to the Complainant's trademark and company name.

This finding is based on the settled practice in evaluating the existence of a likelihood of confusion of:

- disregarding the top-level suffix in the domain names (i.e. ".com") in the comparison; and finding that simple misspelling of a trademark (i.e. PLIVA) by adding one single letter "i" which, when capitalized, can easily be mistaken for a small letter "L", between the letters "P" and "L" would not be considered sufficient to distinguish a domain name from a trademark.

In this case, the Respondent has used this very similarity by generating e-mail addresses using PILIVA instead of PLIVA for the purpose of confusing internet users. The names are therefore not only confusingly similar in theory but have been shown to be so by the very actions of the Respondent.

The disputed domain name is therefore found to be confusingly similar to the earlier rights in the name PLIVA and the Panel concludes that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy.

NO RIGHTS OR LEGITIMATE INTERESTS

The onus to make out a prima facie case that the Respondent lacks rights or legitimate interests is placed on the Complainant. However, once such a prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the disputed domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

The Respondent has no rights or legitimate interests in the disputed domain name. The Complainant and the Respondent have never had any previous relationship, nor has the Complainant ever granted the Respondent with any rights to use the PLIVA trademark in any form, including in the disputed domain name. There is no evidence before the Panel indicating that the Respondent is commonly known by the disputed domain name. The disputed domain name redirects to a site purporting to be operated by or at least closely related to the Complainant. There is no available evidence that the Respondent engages in, or has engaged in any activity or work, i.e., legitimate or fair use of the disputed domain name, or that would demonstrate a legitimate interest in the disputed domain name, so that there is nothing that could be interpreted as rights or legitimate interests of the Respondent. Since the Respondent has not responded, the Respondent has also failed to put forward any arguments at all which could change this finding.

The Panel therefore concludes that the Respondent did not refute the Complainant's prima facie case and has not established any rights or legitimate interest in the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy). The Complainant has therefore also satisfied the requirement under paragraph 4(a)(ii) of the Policy.

BAD FAITH

The Panel finds that the Complainant has established that the disputed domain name was registered by the Respondent and is being used by the Respondent in bad faith.

The name PLIVA is distinctive and well known in numerous countries around the world for the services offered by the Complainant.

The Respondent has copied the Complainant's trademark "PLIVA" in the disputed domain name and simply misspelled it by adding one additional letter which could be confused with either the capital letter "i" or the small letter "L". Both these letters are present in

the mark. This registration can only be viewed as an attempt to exploit the goodwill vested in the trademark by confusing Internet users to the extent that they would believe that a website or e-mail connected to the disputed domain name is somehow connected with the Complainant.

No other reason for registering a misspelled version of the trademark of the Complainant as the disputed domain name appears feasible. Even the most basic Google search in respect of the letter combination PLIVA would have yielded obvious references to the Complainant.

Additionally, the Respondent has given information in the registration details which can only be assumed to be false. These details are First name: "Danny", last name: "Cole", residing at "3448 Ile De France St. #242, Fort Wainwright, Alaska 99703,U" in the city of "Dallas, AK 99703" in Nigeria. To the knowledge of the panel, Alaska is not located in Nigeria, but part of the United States of America. Dallas on the other hand is in the state of Texas and Ile de France Avenue (rather than Street) is located in Fairbanks, Alaska 99703. The address in this form does not exist. Such attempts to hide the address and contact details of the registrant behind false information must also be seen as a strong indication of registration in bad faith.

The use of the disputed domain name in what must clearly be deemed to be phishing e-mails establishes the use of the disputed domain name in bad faith. The Respondent was using the e-mail addresses in question to mislead the recipients of the e-mails into believing that they were sent by employees of the Complainant and attempting to defraud the Complainant's business partners by causing them to make payments thinking these were to be made to the Complainant but instead would have been made to third parties.

Consequently, there appears to the Panel to be no possible good faith reason for the Respondent to have selected the disputed domain name, and there are demonstrable indications of bad faith registration and use present in this case.

The Panel therefore concludes that the Respondent has registered and is using the disputed domain name in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy). The Complainant has therefore also satisfied the requirements under 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. **piliva.com**: Transferred

PANELLISTS

Name	**Udo Pfleghar B.A. (Melb.)**

DATE OF PANEL DECISION 2025-07-21

Publish the Decision