Decision for dispute CAC-UDRP-107681

Case number	CAC-UDRP-107681
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Domain names	tevabrasil.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Teva Pharmaceutical Industries Ltd.

Complainant representative

Organization	SILKA AB

Respondent

Name	song he

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

Complainant is the owner of numerous TEVA-formative trademarks registered in various jurisdictions worldwide, including the following:

- Brazil Trademark Registration No. 815743599 for the word mark TEVA, registered on May 18, 2010, in International Class 5;
- Brazil Trademark Registration No. 816383960 for the figurative mark TEVA, registered on March 13, 2001, in International Class 5;
- China Trademark Registration No. 644291 for the word mark TEVA, registered on June 7, 1993, in International Class 5;
- China Trademark Registration No. 19691159A for the figurative mark TEVA, registered on July 21, 2017, in International Class 10;
- International Trademark Registration No. 1319184 for the figurative mark TEVA, registered on June 15, 2016, in International Classes 5, 10, and 42;
- United States Trademark Registration No. 6704380 for the figurative mark TEVA, registered on April 19, 2022, in International Class 35; and
- European Union Trademark Registration No. 000115394 for the device mark TEVA, registered on April 29, 1998, in International Class 5.

FACTUAL BACKGROUND

Complainant was incorporated in Israel on February 13, 1944, as the successor to several Israeli corporations, the oldest of which was established in 1901. Complainant is a global pharmaceutical company providing high-quality, patient-centric healthcare solutions used by millions of patients daily. It is one of the world's largest producers of generic medicines, with a portfolio of approximately 3,600 products spanning nearly every therapeutic area. As reported in its 2024 annual report, Complainant was active in 57 countries, employing approximately 37,000 individuals worldwide, and generating revenues exceeding USD 16.5 billion. Complainant promotes its goods online through multiple official websites, including <teva.com.br>, registered on March 8, 2006, and operated by one of its national affiliates for the Brazilian market.

The disputed domain name was registered on April 18, 2025, and currently resolves to a registrar's parking page.

PARTIES CONTENTIONS

COMPLAINANT:
(i) The Complainant holds rights in the TEVA and TEVA design trademarks, as set forth in the "Identification of Rights" section above. The disputed domain name is confusingly similar to the Complainant's trademark TEVA, as it incorporates the TEVA mark in its entirety, followed only by the descriptive or geographic term "brasil," and the ".com" gTLD.

(ii) The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is neither licensed nor otherwise authorized to use the Complainant's TEVA mark, nor is the Respondent commonly known by the disputed domain name. Moreover, the Respondent does not use the disputed domain name for any bona fide offering of goods or services, nor for any legitimate noncommercial or fair use. Rather, the disputed domain name resolves to a registrar's parking page.

(iii)The disputed domain name was registered and is being used in bad faith. It reproduces in full the Complainant's TEVA mark, without consent or authorization. The disputed domain name was registered on April 18, 2025, while the Complainant's TEVA mark has been registered internationally for many years. It is implausible that the Respondent was unaware of the Complainant's rights at the time of registration. A simple search in an online trademark register, or in the Google search engine, would have revealed the existence of the Complainant and its rights in TEVA. It is inconceivable that the Respondent would have chosen the disputed domain name without having the Complainant and its TEVA mark in mind. The fact that the Respondent registered the domain name incorporating the Complainant's well-known trademark is, in itself, sufficient to support a finding of bad faith. Although the disputed domain name resolves to a registrar parking page, the non-use of a domain name, under the doctrine of passive holding, does not preclude a finding of bad faith when considered in light of the attendant circumstances.

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

Language of the Proceedings

The Panel notes that the Registration Agreement is written in Chinese, thereby making the language of the proceedings Chinese. The Complainant has requested that the proceeding be conducted in English. The Panel has discretion under UDRP Rule 11(a) to determine the appropriate language of the proceedings, taking into account the particular circumstances of the administrative

proceeding. See Section 4.5, WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, see also Lovehoney Group Limited v yan zhang, CAC 103917 (CAC August 17, 2021) (finding it appropriate to conduct the proceeding in English under Rule 11, despite Japanese being designated as the required language in the registration agreement).

The Complainant contends as follows:

- The disputed domain name is exclusively composed of Latin alphabet letters, not Chinese characters;
- The Respondent has registered several domain names incorporating English-language terms, evidencing the Respondent's familiarity with the English language;
- The Complainant and its representative, located in Israel and Sweden respectively, do not have knowledge of the Chinese language but are capable of communicating in English, the principal language of international communication;
- Requiring translation into Chinese would impose disproportionate costs on the Complainant, likely exceeding the overall costs of these proceedings, and would cause undue delay; and
- The Respondent has engaged in a pattern of conduct involving the registration of domain names infringing upon third-party trademark rights.

Accordingly, the Complainant asserts that requiring a translation of the Complaint into Chinese would be inequitable, burdensome, and unjustified under the specific circumstances of this case.

Pursuant to UDRP Rule 11(a), the Panel finds that the Complainant has advanced a persuasive argument. In view of the specific circumstances of this case, and in the absence of a Response, the Panel determines that the language of the proceeding shall be English. The Panel is further satisfied that all remaining procedural requirements under the UDRP have been fulfilled, and there exists no impediment to the issuance of a decision.

PRINCIPAL REASONS FOR THE DECISION

Paragraph 15(a) of the Rules for the UDRP ('the Policy') instructs this Panel to "decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable." Paragraph 4(a) of the Policy requires that Complainant must prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

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

(2) 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.

In view of the Respondent's failure to submit a response, the Panel shall decide this administrative proceeding on the basis of the Complainant's undisputed representations pursuant to paragraphs 5(f), 14(a) and 15(a) of the Rules and draw such inferences it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable allegations and inferences set forth in the Complaint as true unless the evidence is clearly contradictory. See Vertical Solutions Mgmt., Inc. v. webnetmarketing, inc., FA 95095 (FORUM July 31, 2000) (holding that the respondent's failure to respond allows all reasonable inferences of fact in the allegations of the complaint to be deemed true); see also Talk City, Inc. v. Robertson, D2000-0009 (WIPO Feb. 29, 2000) ("In the absence of a response, it is appropriate to accept as true all allegations of the Complaint.").

Rights

The Complainant asserts ownership of the registered trademarks TEVA and TEVA design, as identified in the "Identification of Rights" section above. The Panel recognizes that an international or national trademark registration is sufficient to establish rights in a mark. Accordingly, the Panel finds that the Complainant has established its rights in the TEVA and TEVA design trademarks.

The Complainant further contends that the disputed domain name is confusingly similar to its TEVA mark, as it fully incorporates the TEVA mark in its entirety, followed only by the descriptive or geographic term "brasil," and the ".com" gTLD. The addition of a generic or descriptive term, together with a gTLD, does not suffice to distinguish a disputed domain name from a trademark. See SportScheck GmbH v. wu han yu chong shang mao you xian gong si, CAC-UDRP-107391 (CAC April 14, 2025) ("The addition of a generic or descriptive term and a gTLD does not sufficiently distinguish a disputed domain name from a trademark."). Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's TEVA mark.

No rights or legitimate interests

A complainant must first make a prima facie case that a respondent lacks rights and legitimate interests in the disputed domain name under Policy paragraph 4(a)(ii), after which the burden shifts to the Respondent to demonstrate it does have rights or legitimate interests. See Section 2.1, WIPO Jurisprudential Overview 3.0 ("Where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.").

Relevant information, such as WHOIS data, can serve as evidence to demonstrate whether a respondent is or is not commonly known by the disputed domain name under Policy paragraph 4(c)(ii). The Panel notes that the WHOIS data lists "song he" as the registrant, and there is no evidence in the record indicating that the Respondent was authorized to use the mark. Therefore, the Panel finds that the Respondent is not commonly known by the disputed domain name under Policy paragraph 4(c)(ii).

Next, the Complainant contends that the Respondent does not use the disputed domain name for any bona fide offering of goods or services, nor for any legitimate noncommercial or fair use. Rather, the disputed domain name resolves to a registrar's parking page. The Panel notes that failure to actively use a domain name does not constitute a bona fide offering of goods or services or a legitimate or fair use under Policy paragraph 4(c)(i) and (iii). See CrossFirst Bankshares, Inc. v. Yu-Hsien Huang, FA 1785415 (Forum June 6, 2018) ("Complainant demonstrates that Respondent fails to actively use the disputed domain name as it resolves to an inactive website. Therefore, the Panel finds that Respondent fails to actively use the disputed domain name for a bona fide offering of goods or services or legitimate noncommercial or fair use under Policy ¶ 4(c)(i) or (iii)."). The Complainant provides screenshot evidence of the resolving website. The Panel therefore finds that the Respondent has failed to use the disputed domain name in connection with a bona fide offering of goods or services or a legitimate or fair use under Policy 4(c)(i) and (iii).

The Panel finds that the Complainant has established a prima facie case based on the foregoing considerations. As the Respondent has neither submitted a Response nor made any attempt to rebut the prima facie case, the Panel concludes that the Respondent has no rights or legitimate interests in the disputed domain name.

Bad faith

Paragraph 4(b) of the Policy provides a non-exclusive list of circumstances that evidence registration and use of a domain name in bad faith. Any one of the following is sufficient to support a finding of bad faith:

(i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that the complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or

(ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or

(iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

The Complainant contends that although the disputed domain name resolves to a registrar parking page, the non-use of a domain name does not preclude a finding of bad faith under the doctrine of passive holding when considered in light of the surrounding circumstances. Specifically, the TEVA mark is clearly distinctive and well-known, making it highly probable that the Respondent was aware of the Complainant and its rights at the time of registration of the disputed domain name. The Respondent's use of a privacy service to conceal its identity further supports an inference of bad faith. The disputed domain name incorporates the TEVA mark in its entirety and is nearly identical to the Complainant's domain name <tevabrasil.com.br>, leaving no plausible basis for any good faith use. Additionally, the disputed domain name has been configured with MX records, indicating an intent to create deceptive e-mail addresses incorporating the Complainant's mark.

The Panel concurs that passive holding of a domain name may still constitute bad faith use under paragraph 4(a)(iii) of the Policy. See Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003 (finding that a panel must examine all relevant circumstances to determine whether passive holding amounts to bad faith).

In this case, the Panel considered the following circumstances:

(i) The Complainant is a global pharmaceutical company offering high-quality, patient-centric healthcare solutions to millions of patients worldwide. It is one of the largest producers of generic medicines, with a portfolio of approximately 3,600 products spanning nearly all therapeutic areas. According to its 2024 annual report, the Complainant was active in 57 countries, employed around 37,000 individuals, and generated revenues exceeding USD 16.5 billion. Accordingly, the TEVA mark is well-known and reputable;

(ii) The Respondent has configured the disputed domain name with multiple MX (mail exchange) records; and

(iii) The Respondent has provided no evidence of any actual or contemplated good faith use of the disputed domain name.

In view of these considerations, the Panel finds that the Respondent's passive holding of the disputed domain name constitutes bad faith under paragraph 4(a)(iii) of the Policy.

The Complainant further asserts that the Respondent registered and used the disputed domain name with actual knowledge of the Complainant's rights in the TEVA mark. While constructive knowledge alone is insufficient under Policy paragraph 4(a)(iii), actual knowledge, demonstrated by the notoriety of the mark and the nature of the Respondent's use, is sufficient to establish bad faith. See Orbitz Worldwide, LLC v. Domain Librarian, FA 1535826 (Forum February 6, 2014) ("The Panel notes that although the UDRP does not recognize 'constructive notice' as sufficient grounds for finding Policy paragraph 4(a)(iii) bad faith, the Panel here finds actual knowledge through the name used for the domain and the use made of it."); see also AutoZone Parts, Inc. v. Ken Belden, FA 1815011 (Forum December 24, 2018) ("Complainant contends that Respondent's knowledge can be presumed in light of the substantial fame and notoriety of the AUTOZONE mark, as well as the fact that Complainant is the largest retailer in the field. The Panel here finds that Respondent did have actual knowledge of Complainant's mark, demonstrating bad faith registration and use under Policy paragraph 4(a)(iii).").

The Panel agrees and infers, based on the use of the disputed domain name and the global reputation of the TEVA mark, that the Respondent had actual knowledge of the Complainant's rights at the time of registration. Accordingly, the Panel concludes that the disputed domain name was registered and 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. **tevabrasil.com**: Transferred

PANELLISTS

Name	**Mr. Ho-Hyun Nahm Esq.**

DATE OF PANEL DECISION 2025-07-21

Publish the Decision