Decision for dispute CAC-UDRP-107687

Case number	CAC-UDRP-107687
Time of filing	2025-06-30 14:58:41
Domain names	novartissmeds.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Novartis AG

Complainant representative

Organization	Abion GmbH

Respondent

Name	louis faraway

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 of several trademarks, comprising the word NOVARTIS, which are registered for a wide range of products and services and which offer protection in many territories throughout the world. The list of trademarks includes for instance:

- the international trademark NOVARTIS, applied for on 15 February 1996 and registered under No. 427370 for several products and services in relation to the pharmaceutical industry;

- the US trademark NOVARTIS, applied for on 12 September 2013 and registered under No. 4986124 for pharmaceutical preparations;

- the US trademark NOVARTIS, applied for on 25 January 2022 and registered under No. 6990442 for a plethora of pharmaceutical products.

FACTUAL BACKGROUND

The Complainant is one the biggest global pharmaceutical and healthcare groups. It states that it provides solutions to address the evolving needs of patients worldwide by developing and delivering innovative medical treatments and drugs.

The Complainant, with headquarters in Switzerland, was created in 1996 through a merger of two other companies Ciba-Geigy and Sandoz. The Novartis group achieved net sales of USD 50.3 billion in 2024 and employs approximately 76.000 full-time equivalent employees.

The Complainant is the owner of numerous domain names comprising the mark NOVARTIS, such as <novartis.com>, created on 16 February 1996.

The disputed domain name <novartissmeds.com> was registered on 14 June 2025.

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 a trademark or service mark in which the Complainant has rights

The disputed domain name incorporates, in its second level-portion, the Complainant's well-known trademark NOVARTIS in its entirety, an additional letter "s" and the term "meds" – a commonly used abbreviation for "medicines". The addition of such descriptive term would not prevent a finding of confusing similarity to the trademark.

The NOVARTIS trademark is clearly recognizable in the disputed domain name. The Complainant refers to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Jurisprudential Overview 3.0") 3.0 para. 1.8, which states: "Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. The nature of such additional term(s) may however bear on assessment of the second and third elements".

The generic Top-Level Domain extension of the disputed domain name, in this case ".com", is typically disregarded under the confusing similarity test, as it is a standard requirement for registration.

This is not being disputed by the Respondent.

Therefore, the Complainant concludes, and the panel agrees, that the disputed domain name is confusingly similar to the

Complainant's trademark.

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

The Complainant states that the Respondent is not authorized in any way to make any use of the Complainant's trademark, including in the disputed domain name. In addition, there is no evidence that the Respondent is known by the disputed domain name or owns any corresponding registered trademarks.

According to the Complainant, the Respondent aims at making Internet users believe that the disputed domain name is linked to, or operated by, the Complainant.

Lastly, the Complainant demonstrates that the disputed domain name resolves to a website allegedly selling medications and stating: "We provide medications at prices that are affordable to everyone […]" and "we offer to supply them to you without any prescriptions […]". No clear information is provided on the website as to which person operates it. The only e-mail address provided on the website is "enamenpharmacy@gmail.com" which is different from the disputed domain name. The activity of offering drugs for sale, conducted via the website associated to the disputed domain name, without displaying the name of the person offering such business and operating the website, is suspicious. Such activity and associated products may be harmful to consumers and Internet users, according to the Complainant.

The Panel finds that the Complainant has shown that the Respondent has not made legitimate use of the disputed domain name for a bona fide offering of goods or services. In lack of any Response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the domain name.

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

The Complainant cites Panel decisions that recognized the Complainant's trademark as well-known (see Novartis AG v. Amartya Sinha, Global Webs Link, Novartis RO, WIPO Case No. D2020-3203). It is therefore inconceivable that the Respondent was unaware of the existence of the Complainant when it registered the disputed domain name. By conducting a simple online search regarding the disputed domain name on popular search engines, the Respondent would have inevitably learnt about the Complainant, its trademark and business.

Considering that the NOVARTIS trademark is well known, and that the Complainant is a globally renowned pharmaceutical company, it clearly appears that the Respondent knew the Complainant and the NOVARTIS trademark at the time it registered the disputed domain name. Therefore, the disputed domain name was registered in bad faith.

Paragraph 4(b) of the Policy sets forth the circumstances for a finding of bad faith registration and use of a disputed domain name. Among those circumstances Paragraph 4(b)(iv) of the Policy reads: "by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your 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 your website or location or of a product or service on your website or location." However, that finding is not intended by the Policy to be confined only to those circumstances.

The structure of the disputed domain name reflects the Respondent's intention to create an association, and a subsequent likelihood of confusion, with the Complainant and its NOVARTIS trademark. By reading the disputed domain name, Internet users may believe that it is directly connected to or authorized by the Complainant.

Moreover, the disputed domain name resolves to a suspicious website allegedly selling medications. Such activity and associated products may be harmful to consumers and Internet users.

Lastly, it is likely that the Respondent has provided false WhoIs details. Indeed, the Respondent has not provided a valid postal address.

In lack of any Response from the Respondent or any other information indicating the contrary, the Panel concludes that the Respondent has registered and used the disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **novartissmeds.com**: Transferred

PANELLISTS

Name	**Tom Heremans**

DATE OF PANEL DECISION 2025-07-25

Publish the Decision