Decision for dispute CAC-UDRP-107686

Case number	CAC-UDRP-107686
Time of filing	2025-07-17 10:00:27
Domain names	novartis0.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Novartis AG

Complainant representative

Organization	Abion GmbH

Respondent

Name	Yuan Lu

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 numerous NOVARTIS trademark registrations (the "NOVARTIS Trademark") around the world, among which are:

- International Registration No. 663765, registered on July 1, 1996, in respect of goods and services in classes 1, 2, 3, 4, 5, 7, 8, 9, 10, 14, 16, 17, 20, 22, 28, 29, 30, 31, 32, 40, and 42;

- International Registration No. 1349878, registered on November 29, 2016, in respect of goods and services in classes 9, 10, 41, 42, 44, and 45;

- United States Trademark Registration No. 4986124, registered on June 28, 2016, in respect of goods and services in classes 5, 9, 10, 41, 42, and 44.

FACTUAL BACKGROUND

The Complainant is Novartis AG, a multinational pharmaceutical and healthcare company headquartered in Basel, Switzerland.

Novartis AG was created in 1996 through the merger of Ciba-Geigy and Sandoz and is today one of the world's largest pharmaceutical groups, employing over 76,000 people globally and reporting net sales of USD 50.3 billion in 2024. The Complainant develops and markets a wide range of innovative medical treatments and is present in more than 100 countries, including the United States.

The Complainant owns numerous domain names composed of its trademark NOVARTIS alone, including <novartis.com> (registered in 1996) or <novartis.us> (registered in 2002), or in combination with other terms, such as <novartispharma.com> (registered in 1999). The Complainant uses these domain names to resolve to its official websites through which it informs Internet users and potential consumers about its NOVARTIS mark and its related products and services. The Complainant also enjoys a strong presence online via its official social media platforms.

The Respondent is Yuan Lu, located in San Jose, California, United States. According to the Response, the Respondent is associated with SocialNetwork0, Inc., a Delaware-registered corporation. The Respondent states that SocialNetwork0, Inc. is engaged in digital infrastructure development and research into the domain naming system. As part of this activity, it has acquired multiple domain names following a self-described naming convention consisting of an object combined with the suffix "0" or "zero."

The disputed domain name was registered on May 29, 2025. As of the date of this Decision, the disputed domain name resolves to an inactive website. The Complainant sent a cease-and-desist letter to the Respondent on June 19, 2025 and further reminders on June 30, 2025, and July 7, 2025, but there was no response.

PARTIES CONTENTIONS

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name:

(1) the disputed domain name is confusingly similar to the Complainant's NOVARTIS trademark. It incorporates the Complainant's trademark in its entirety followed by a number "0". The NOVARTIS trademark is clearly recognizable within the disputed domain name. The presence of the generic Top-Level Domain ("gTLD") extension ".com" is a standard registration requirement and may be disregarded when assessing whether the disputed domain name is confusingly similar to the trademark in which the Complainant has rights;

(2) the Complainant argues that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has not authorized or licensed the Respondent to use its NOVARTIS trademark. The Respondent is not commonly known by the disputed domain name, nor does it hold any registered or unregistered trademark rights in "Novartis0." At the time of filing, the disputed domain name resolved to an inactive page and there is no evidence of any bona fide offering of goods or services or legitimate noncommercial use. Passive holding, according to the Complainant, cannot create rights or legitimate interests;

(3) the Respondent registered and is using the disputed domain name in bad faith. The Respondent had knowledge of the Complainant and the NOVARTIS trademark at the time of the registration of the disputed domain name. The disputed domain name was registered many years after the registrations of the Complainant's NOVARTIS trademarks. The NOVARTIS trademark is a widely known trademark registered in many countries and the Complainant enjoys a strong online presence. The Respondent registered the disputed domain name incorporating the well-known distinctive NOVARTIS trademark intentionally, in order to take advantage of reputation of the NOVARTIS trademark and the Complainant's goodwill. The disputed domain name is passively held. There is no evidence of any actual or contemplated good-faith use of the disputed domain name.

The Complainant requests that the disputed domain name be transferred to the Complainant.

B. Respondent

The Respondent contends as follows:

(1) there is no trademark registration for "novartis0" in the WIPO brand database. The disputed domain name is used to identify the object of criticism, not to impersonate or confuse users. The Complainant and the Respondent operate in completely unrelated commercial sectors, pharmaceuticals vs. digital research infrastructure, removing any likelihood of confusion;

(2) the Respondent has rights or legitimate interests because the disputed domain name was registered for non-commercial commentary and criticism. The Respondent states that it follows a naming convention using the suffix "0" to denote its own brand identity and that it has incorporated a company structure and technical infrastructure for developing such projects. It claims the domain was not registered for profit, diversion, or to mislead consumers, but as part of a genuine effort to establish a criticism and research platform, which should be regarded as legitimate non-commercial fair use;

(3) the Respondent registered and is using the disputed domain name in bad faith. The Respondent had knowledge of the Complainant and the NOVARTIS trademark at the time of the registration of the disputed domain name. The disputed domain name was registered many years after the registrations of the Complainant's NOVARTIS trademarks. The NOVARTIS trademark is a widely known trademark registered in many countries and the Complainant enjoys a strong online presence. The Respondent registered the disputed domain name incorporating the well-known distinctive NOVARTIS trademark intentionally, in order to take advantage of the

reputation of the NOVARTIS trademark and the Complainant's goodwill. The disputed domain name is passively held. There is no evidence of any actual or contemplated good-faith use of the disputed domain name.

The Complainant requests that the disputed domain name should be transferred to the Complainant.

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.

The Panel decided not to accept the unsolicited supplemental filings of the Parties. As discussed in section 4.6 of the WIPO Overview 3.0, neither of them has explained why it was unable to provide the information contained therein in its complaint or response, such as owing to some exceptional circumstance, and the supplemental filings do not in any event appear to add any substantial new information or evidence to the case.

PRINCIPAL REASONS FOR THE DECISION

Discussion and Findings

Under paragraph 4(a) of the Policy, a complainant to succeed must satisfy the panel that:

- the disputed domain name is identical or confusingly similar to a trademark or service mark in which complainant has rights;
- the respondent has no rights or legitimate interests in respect of the disputed domain name; and
- the disputed domain name was registered and is being used in bad faith.

The Panel has reviewed the entire case file and the evidence provided. The Panel is also guided, where pertinent, by the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), which reflects consensus positions of UDRP panels on many common issues. The Panel will make reference to these consensus views in the analysis below as applicable.

1. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview 3.0, section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark for the purposes of the Policy. WIPO Overview 3.0, section 1.2.1.

The Panel finds the entirety of the Complainant's NOVARTIS trademark is reproduced within the disputed domain name followed by the number "0". The NOVARTIS trademark is clearly recognizable within the disputed domain name. The presence of the gTLD extension ".com" is a standard registration requirement and may be disregarded when assessing whether the disputed domain

name is confusingly similar to the trademark in which the Complainant has rights.

Accordingly, the Panel finds the first element of the Policy has been established.

2. Rights or Legitimate Interests

Paragraph 4(c) of the Policy sets out examples of how a respondent may establish rights or legitimate interests in a domain name, including use for a bona fide offering of goods or services, being commonly known by the domain name, or making a legitimate noncommercial or fair use without intent for commercial gain.

The Complainant has shown that it owns long-standing trademark rights in NOVARTIS, predating the registration of the disputed domain name. It has not authorized or licensed the Respondent to use its mark. The Respondent is not commonly known by the disputed domain name and has not substantiated ownership of any trademark rights in "novartis0". At the time of the Complaint and to date, the disputed domain name resolves to an inactive webpage. This suffices to establish a prima facie case that the Respondent lacks rights or legitimate interests, shifting the burden to the Respondent. See WIPO Overview 3.0, section 2.1.

The Respondent argues that it registered the domain name for non-commercial commentary and criticism. UDRP precedent indeed recognizes that genuine non-commercial criticism may, in appropriate circumstances, give rise to legitimate interests. See WIPO Overview 3.0, section 2.6.1; Bridgestone v. Jack Myers, WIPO Case No. D2000-0190.

However, the evidentiary record here is devoid of any actual criticism or commentary site. The disputed domain name has remained unused since registration. Panels have consistently held that merely asserting plans for a criticism site, without evidence of demonstrable preparations, does not establish rights or legitimate interests. As discussed in sections 2.6.1-2.6.3 of the WIPO Overview 3.0, to support fair use under UDRP paragraph 4(c)(iii), the respondent's criticism must be genuine and noncommercial, and in a number of UDRP decisions where a respondent argues that its domain name is being used for free speech purposes the panel has found this to be primarily a pretext for cybersquatting, commercial activity, or tarnishment. See, for example, Sanofi v. Privacy Hero Inc. / Honey Salt ltd, pat honey salt, WIPO Case No. DCO2020-2836, where UDRP panel provides further guidance: even where a respondent invokes free speech, panels require that the use be genuine, noncommercial, and directed at criticism, not a pretext for cybersquatting or value extraction. There, the panel rejected the respondent's claim because the content was largely automated, unverifiable, and seemed intended to create the appearance of legitimacy while offering the domain for sale. Similarly here, the Respondent has not demonstrated genuine criticism activity, nor provided evidence of actual use in furtherance of noncommercial commentary, or preparation to use.

Furthermore, the Respondent claims that the disputed domain name is "intended to host non-commercial, crowd-sourced review and commentary platforms for various entities" and would serve as "a site hosting user reviews" or otherwise "identify the object of criticism". However, the Panel notes that these assertions remain vague and unsupported by evidence, since the Respondent does not provide a clear explanation of how such a platform would function in practice, nor does it supply any evidence of concrete preparations for its development, such as internal planning documents, correspondence, or proof of expenditure.

The Respondent further states that the domain name follows an "established naming convention" in which the suffix "0" represents its unique research identifier. The Panel observes that the Respondent has not explained the rationale for this choice, particularly when combined with a third party's trademark, and has provided only one example <chicago0.com>, which itself does not resolve to an active website. In the absence of substantiating material, the Panel is not persuaded that the Respondent has demonstrated rights or legitimate interests on the basis of its alleged non-commercial criticism use.

On the contrary, the disputed domain name has been passively held since registration, which negates claims of fair use or criticism. Under WIPO Overview 3.0, section 2.9, passive holding does not confer rights or legitimate interests. Even where respondents invoke free speech, panels require at least some evidence of use consistent with criticism; mere holding of a domain incorporating a well-known mark falls short.

Panels have also held that domain names identical or nearly identical to a trademark, particularly of a well-known company, carry a high risk of implied affiliation and cannot constitute legitimate fair use. See WIPO Overview 3.0, section 2.5. The disputed domain name consists of the Complainant's mark in its entirety, with only the numeral "0" appended. This format reinforces a likelihood of confusion rather than clarifying a critical purpose. Unlike domain names that explicitly indicate criticism, here the disputed domain name does not signal to Internet users that it is a site for commentary.

The Respondent has failed to rebut the Complainant's prima facie showing. No evidence of genuine criticism use or demonstrable preparations has been provided. Passive holding of a domain name incorporating a famous trademark does not create rights or legitimate interests. The Respondent's assertions, without substantiation, resemble the kind of "pretextual" criticism, which might be rejected.

Accordingly, the Panel finds the second element of the Policy has been established.

3. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel finds that the Respondent has registered and is using the disputed domain name in bad faith in view of the following.

The disputed domain name was registered long after the Complainant registered its NOVARTIS trademark. The disputed domain name incorporates the Complainant's NOVARTIS trademark in whole. The Respondent registered the disputed domain name many years after the registrations of the Complainant's NOVARTIS trademarks. The NOVARTIS trademark is a widely known trademark registered in many countries and the Complainant enjoys a strong online presence. The Complainant is very active on social media to promote its mark, products and services. By conducting a simple online search regarding the name "Novartis" alone or in combination with the number "0" on popular search engines, the Respondent would have inevitably learnt about the Complainant, its trademark and business. See CAC Case No. 102396, Intesa Sanpaolo S.p.A. v. Abayomi Ajileye.

The disputed domain name resolves to an inactive website. It is known that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding, factors of which include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated goodfaith use, and (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement). WIPO Overview 3.0, section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's NOVARTIS trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

In the view of the Panel, the facts of this case do not allow for any plausible actual or contemplated active use of the disputed domain name by the Respondent in good faith. The Panel is therefore convinced that, even though the disputed domain name has not yet been actively used, the Respondent's non-use of the disputed domain name equals to use in bad faith.

Based on the available record, the Panel finds that the Complainant has established the third element of the Policy.

Accordingly, the Panel does not find Reverse Domain Name Hijacking under UDRP Rule 15(e).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **novartis0.com**: Transferred

PANELLISTS

Name	**Ganna Prokhorova**

DATE OF PANEL DECISION 2025-08-25

Publish the Decision