Decision for dispute CAC-UDRP-107854

Case number	CAC-UDRP-107854
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Domain names	tevabiosmilar.com

Case administrator

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

Complainant

Organization	Teva Pharmaceutical Industries Ltd.

Complainant representative

Organization	SILKA AB

Respondent

Organization	Ashford

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 has submitted evidence, which the Panel accepts, showing that it is the registered owner of the “TEVA” trademarks. The Complainant’s certain “TEVA” trademarks are, inter alia, the following:

- United States trademark n° 1567918 of “TEVA” (word mark), registered on November 28, 1989;

- Canada trademark n° TMA517259 “TEVA” (word mark), registered on September 28, 1999;

- European Union trademark n°000115394 “TEVA” (device mark), registered on April 29, 1998;

- France trademark n°3706086 “TEVA BIOSIMILAIRES” (word mark), registered on September 17, 2010.

Moreover, the Complainant is also the owner of the domain name <tevabiosimilars.com> registered on December 15, 2009.

FACTUAL BACKGROUND

The Complainant is a pharmaceutical company established in Israel on February 13, 1944, and it was a successor to several Israeli corporations, the oldest of which was established in 1901. The Complainant is a global generic medicines producer, having a large

portfolio in many therapeutic areas.

The Complainant holds several trademark registrations containing and comprising “TEVA” dating back to 1975 in various countries and the domain name <tevabiosimilars.com>.

On July 23, 2025; the Respondent registered the disputed domain name <tevabiosmilar.com>. The disputed domain name is currently inactive and parked.

PARTIES CONTENTIONS

COMPLAINANT:

THE DISPUTED DOMAIN NAME IS CONFUSINGLY SIMILAR

The Complainant contends that the disputed domain name is confusingly similar to its trademarks TEVA and TEVA BIOSIMILAIRES. The Complainant claims that its trademark “TEVA” is entirely reproduced and clearly recognizable within the disputed domain name and the addition of the term “biosmilar” does not prevent the likelihood of confusion between the disputed domain name and the Complainant and its trademarks. In support of this assertion, the reference was made to the CAC UDRP decision no. 107383 concerning the domain name <tevabiosimlars.com>, where it was found that the Complainant’s trademark is clearly recognizable in the disputed domain name and the additional term could not prevent the finding of confusing similarity.

Furthermore, the Complainant notes that the disputed domain name is almost identical to the Complainant’s TEVA BIOSIMILAIRES mark, and to the Complainant’s domain name <tevabiosimilars.com>. In view of this, it was claimed that this is a typical typosquatting case, as it reproduces the Complainant’s mark and domain name in their entirety but with minor alterations of letters, which do not change the overall impression that Complainant’s trademark is sufficiently recognizable within the disputed domain name. Also, the Complainant refers to the CAC UDRP decision no. 107697 involving the domain name <tevabiosmilars.com>, where the panel decided that 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 and that the Complainant’s registered trademark TEVA is fully incorporated in the disputed domain name, whereas the disputed domain name is, in its second level, a close typographical variant of the Complainant’s said TEVA BIOSIMILAIRES trademark.

Finally, the Complainant claims that the generic Top-Level Domain (“gTLD”) “.com” does not have the capacity to dispel confusing similarity between the disputed domain name and the TEVA and TEVA BIOSIMILAIRES marks of the Complainant and highlights that gTLDs are commonly viewed as a standard registration requirement, and as such they are disregarded under the first element confusing similarity test. Consequently, it is asserted that the disputed domain name is identical or confusingly similar to marks in which the Complainant has rights and that the conditions set out in paragraph 4(a)(i) of the Policy are fulfilled.

NO RIGHTS OR LEGITIMATE INTERESTS IN RESPECT OF THE DISPUTED DOMAIN NAME

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name and he is not related in any way with the Complainant. The Complainant does not carry out any activity for, nor has any business with the Respondent.

The Complainant states that the disputed domain name and the term “tevabiosmilar” have no meaning in English language. The Complainant has found nothing to suggest that the Respondent owns any identical trademarks to the disputed domain name and to the term “tevabiosmilar”. Additionally, it is claimed that there is no evidence that the Respondent has been commonly known the disputed domain name or by the term “tevabiosmilar”. Instead, the Complainant alleges that the internet search engines associate the term “tevabiosmilar” with the Complainant and its activities.

The Complainant further claims that the disputed domain name is almost identical to the Complainant’s TEVA BIOSIMILAIRES trademark, and to the Complainant’s domain name <tevabiosimilars.com>, which suggests that this is a typosquatting case and refers to previous panel decisions stating that typosquatting is also an indication of a lack of rights or legitimate interests in a domain name. Moreover, the disputed domain name resolves to a parking page.

Therefore, the Complainant claims that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

THE DISPUTED DOMAIN NAME WAS REGISTERED AND IS USED IN BAD FAITH

The Complainant claims that the disputed domain name is confusingly similar to the Complainant's well-known “TEVA” trademark as it reproduces the Complainant’s well-known TEVA mark in full, and almost the entirety of its TEVA BIOSIMILAIRES mark, without the consent or authorization of the Complainant. Moreover, it was claimed that a simple search in an online trademark register or in the Google search engine when the disputed domain name was registered would have informed the Respondent on the existence of the Complainant and its rights in TEVA and TEVA BIOSIMILAIRES. Given the distinctiveness of the Complainant's trademarks and reputation, it is claimed that the Respondent has registered the domain name with full knowledge of the Complainant's trademark.

Also, the Complainant points out that the MX Records has been set up with the disputed domain name, as '@tevabiosmilar.com', and that the disputed domain name resolves to a parked page. The Complainant furthers states that the Respondent is using a privacy service to conceal its identity, and all these are indications of bad faith.

Moreover, the Complainant highlighted that the disputed domain name differs from the Complainant's domain name <tevabiosimilars.com> (under which it operates its online presence) by the deletion of two letters and as it has been held by a number of decisions under the UDRP before, typosquatting itself is evidence of relevant bad faith registration and use and indicates that the Respondent had knowledge of the Complainant and its rights.

On these bases, the Complainant concludes that the Respondent has registered and is using the disputed domain name <tevabiosmilar.com> in bad faith.

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

Paragraph 15 of the Rules provides that the Panel is to decide the Complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In this context, the Panel also notes that the burden of proof is on the Complainant to make out its case and past UDRP panels have consistently said that a Complainant must show that all three elements of the Policy have been made out before any order can be made to transfer a domain name.

For the Complainant to succeed it must prove, within the meaning of paragraph 4(a) of the Policy, that:

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

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

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

The Panel will therefore deal with each of these requirements in turn.

1. IDENTICAL OR CONFUSINGLY SIMILAR

The Policy simply requires the Complainant to demonstrate that the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights. The Panel is satisfied that the Complainant is the owner of registration of “TEVA” and “TEVA BIOSIMILAIRES” trademarks.

The Panel finds that the disputed domain name is confusingly similar to the Complainant’s “TEVA” and “TEVA BIOSIMILAIRES” trademarks as “TEVA” is fully incorporated and recognizable in the disputed domain name, whereas the disputed domain name is a close typographical variant of the Complainant’s said TEVA BIOSIMILAIRES trademark, which is not sufficient to vanish the similarity. In addition, it is almost identical to the Complainant’s domain name as it is different in two letters which are barely recognizable and it can indeed be considered as typosquatting.

Moreover, the addition of the gTLD “.COM” is not enough to abolish the similarity, as it is a mere technical requirement.

The Panel is of the opinion that the Internet users will easily fall into false impression that the disputed domain name is an official domain name of the Complainant. The Panel recognizes the Complainant's rights and concludes that the disputed domain name is confusingly similar with the Complainant's trademarks. Therefore, the Panel concludes that the requirements of paragraph 4(a)(i) of the Policy is provided.

2. NO RIGHTS OR LEGITIMATE INTERESTS

Under paragraph 4(a)(ii) of the Policy, the complainant has the burden of establishing that the respondent has no rights or legitimate interests in respect of the domain name.

It is open to a respondent to establish its rights or legitimate interests in a domain name, among other circumstances, by showing any of the following elements:

(i) before any notice to the respondent of the dispute, the use or making demonstrable preparations to use the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) the respondent of the dispute (as an individual, business, or other organization) has been commonly known by the domain name, even if it has acquired no trademark or service mark rights; or

(iii) the respondent of the dispute is making a legitimate non-commercial or fair use of the domain name, without an intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

Thus, if the respondent proves any of these elements or indeed anything else that shows that it has a right or legitimate interest in the domain name, the complainant will have failed to discharge its burden of proof and the complaint will fail. The burden is on the complainant to demonstrate a prima facie case that the respondent does not have rights or legitimate interests in the domain name. Once the complainant has made out a prima facie case, then the respondent may, inter alia, by showing one of the above circumstances, demonstrate rights or legitimate interests in the domain name.

The Complainant contends that the Respondent has nothing to do with the Complainant and the Complainant gave no authorization or consent on the use of the trademarks “TEVA” and “TEVA BIOSIMILAIRES”. Moreover, the disputed domain name has no relation with the Respondent and the Respondent is not commonly known as the disputed domain name.

In the absence of a compliant response, the Panel accepts the Complainant’s allegations as true that the Respondent has no authorization to use the Complainant’s trademarks in the disputed domain name.

Hence, as the Complainant has made out its prima facie case, and as the Respondent has not demonstrated any rights or legitimate interests as illustrated under paragraph 4(c) of the Policy, nor has the Panel found any other basis for finding any rights or legitimate interests of the Respondent in the disputed domain dame, the Panel concludes that the Complainant has satisfied the requirements of paragraph 4(a)(ii) of the Policy.

3. BAD FAITH

The Panel concludes that the Complainant's “TEVA” trademark is of distinctive character and is well-known. Therefore, the Panel is of the opinion that due to the earlier rights of the Complainant in well-known “TEVA” trademarks, the Respondent, was aware of the Complainant and its trademarks at the time of registration of the disputed domain name (see e.g., Ebay Inc. v. Wangming, WIPO Case No. D2006-1107). Referring to Parfums Christian Dior v. Javier Garcia Quintas and Christiandior.net, WIPO Case No. D2000-0226, the Panel believes that the awareness of the Complainant’s trademark at the time of the registration of the disputed domain name is to be considered an inference of bad faith registration.

Moreover, the disputed domain name is currently parked. Even if there is no present use of the disputed domain name, the fact that it was parked and there is MX record connected to the disputed domain name suggests that the Respondent will not be able to make any use of the disputed domain name in good faith, since it is neither affiliated to nor authorized by the Complainant. Besides, regarding inactive domain names, section 3.3 of the WIPO Overview 3.0 provides the following: “From the inception of the UDRP, panellists have found that the non-use of a domain name (including a blank or ‘coming soon’ page) would not prevent a finding of bad faith under the doctrine of passive holding. While panellists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine 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

good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put."

All the circumstances of the case must be examined to determine whether the Respondent is acting in bad faith. The cumulative circumstances for an indication of bad faith include the Complainant having a well-known trade mark, no response having been filed, and the disputed domain name being parked and concealed identity, which all happened in this case.

Therefore, in light of the above-mentioned circumstances in the present case, the Panel finds that the disputed domain name has been registered and is being used in bad faith and that the Complainant has established the third element 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. **tevabiosmilar.com**: Transferred

PANELLISTS

Name	**Mrs Selma Ünlü**

DATE OF PANEL DECISION 2025-09-22

Publish the Decision