Decision for dispute CAC-UDRP-107802

Case number	CAC-UDRP-107802
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Domain names	novartisneva.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Novartis AG

Complainant representative

Organization	Abion GmbH

Respondent

Organization	bijica3351

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 for NOVARTIS. In particular, Novartis AG owns:

- International registration No. 663765 registered on July 1, 1996 and duly renewed for 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. This trademark is protected in different countries including Russian Federation where the Respondent has its legal seat.

- International registration No. 1349878 registered on November 29, 2016 for goods and services in classes 9, 10, 41, 42, 44 and 45. This trademark is protected in different countries including Russian Federation where the Respondent has its legal seat.

- EU trademark No. 304857 registered on June 25, 1999 and duly renewed for goods and services in classes 1, 5, 9, 10, 29, 30, 31 and 32.

- US trademark No. 2336960 registered on April 4, 2000 and duly renewed for goods and services in classes 1, 5, 9, 10, 29, 30, 31, 32 and 42.

FACTUAL BACKGROUND

The Complainant, created in 1996 through a merger of two other companies Ciba-Geigy and Sandoz, is the holding company of the Novartis Group. In 2024, The Novartis Group achieved net sales of USD 50.3 billion, and total net income amounted to USD 11.9 billion and employed approximately 76 000 full-time equivalent employees as of December 31, 2024.

The Complainant informs that its products are manufactured and sold in many countries worldwide, including in Russia, where it has an active presence through associated companies and subsidiaries, such as ООО «Новартис Нева» (that may be written in Latin alphabet as Novartis Neva LLC). The related Novartis group's production site "Novartis Neva", based in St. Petersburg, is designed for the production of solid dosage forms.

The Complainant is the owner of the registered well-known trademark NOVARTIS in numerous jurisdictions all over the world. The Complainant´s trademark registrations predate the registration of the disputed domain name <novartisneva.com>, which was registered on April 3, 2025.

According to the Complainant, the disputed domain name is similar to its NOVARTIS trademark since it entirely incorporates the well-known distinctive trademark NOVARTIS combined with the word NEVA, which corresponds to part of the name of the Russian Novartis group's production "Novartis Neva".

The Complainant has not found that the Respondent is known by the disputed domain name. Indeed, when conducting searches on online trademark databases regarding the terms "novartisneva.com" or "novartisneva" or "novartis neva", no information is found in relation to trademarks corresponding to the aforementioned terms. The Complainant argues that the Complainant trademarks predate the registration of the disputed domain name and that the Respondent has never been authorized by the Complainant to register the disputed domain name.

In the Complainant's view, given the strong presence of the Complainant and its NOVARTIS trademark on the market, it is implausible that the Respondent did not know them when it registered the disputed domain name.

In addition, the Complainant has shown that, at the time the Complainant found out about the disputed domain name, it resolved to a page simply announcing that the content of the website would have been added soon and that after (August 25, 2025) the disputed domain name resolved to a mere error page. Considering the above, the Complainant insists that there is no active website associated with the disputed domain name which constitutes passive holding of the disputed domain name.

The Complainant also sent a cease-and-desist letter to the Respondent, on April 7, 2025, informing the Respondent of the Complainant's rights regarding the NOVARTIS trademark, to which the Respondent did not reply

Finally, the Complainant notes that the Respondent has provided incomplete contact details. Indeed, its mail address in the WhoIs record only contains the reference to the country and a postal code. The street and the city details are not provided. In the Complainant's view, it is likely that the Respondent has provided false WhoIs details.

PARTIES CONTENTIONS

The Complainant´s contentions are summarized above.

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 4(a) of the Policy provides that to obtain the transfer of the disputed domain name, the Complainant must prove that each of the following elements is present:

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

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

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

1) The Panel is of the opinion that the disputed domain name is confusingly similar to the Complainant's earlier trademark NOVARTIS. As a matter of fact, this trademark is entirely reproduced in the disputed domain name. Concerning the addition of the term "neva", the addition of this term, clearly associated to the Complainant's business (reflecting part of the name of the Russian Novartis group’s production), enhances the confusing similarity (see Intesa Sanpaolo SPA v. Milen Radumilo, CAC Case No. 103027; ARCELORMITTAL v. Private Private, CAC Case No. 105049 and BOLLORE v. Gazanfer Yamen, CAC Case No. 102275). Finally, in accordance with the consensus view of past UDRP panels, the Panel finds that the Top-Level domain (".COM" in this case) is not sufficient to exclude the likelihood of confusion since it is a mere technical requirement included in all domain names. The Complainant therefore succeeds on the first element of the Policy.

2) The Complainant provided prima facie evidence that the Respondent does not have rights or legitimate interests in respect of the disputed domain name as it is not commonly known under the disputed domain name and was never authorized to use it by the Complainant. The Respondent, in the absence of any substantial response, has not shown any facts or elements to justify prior rights or legitimate interests in the disputed domain name. The Complainant therefore succeeds also on the second element of the Policy.

3) The Complainant’s trademark NOVARTIS is distinctive and well-known in many countries. It is uncontroverted that Complainant’s worldwide use and registration of the NOVARTIS mark largely precede the registration date of the disputed domain name. The fact that the Respondent has registered the disputed domain name which entirely includes said well-known trademark clearly indicates that the Respondent had knowledge of the Complainant’s trademark at the time of registration of the disputed domain name. This is clear evidence of registration of the domain name in bad faith. The Complainant has demonstrated that the disputed domain name is not used for any bona fide offerings since it is not connected to any active website. The fact that the Respondent effectively passively holds the disputed domain name cannot prevent a finding of use in bad faith (see Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003). The Panel wishes to stress that the disputed domain name holds no Internet content and it is currently connected to an error page; it means that customers searching for information on the Complainant and the Complainant products and services may come to the conclusion that there are problems at the Complainant’s site, that the Complainant’s web information and products and services are no longer in active use. Such ‘non-use’ by the Respondent can have the same negative result on the Complainant as active use of a disputed domain name and amounts to bad faith use” (FIL Limited v. George Dyle, WIPO Case No. D2014-1418). In addition, the Complainant insists that bad faith has to be considered also due to the Respondent's lack of reaction to the cease-and-desist letter sent by the Complainant and in consideration of the fact that the Respondent has provided incomplete contact details. In this respect the Panel confirms that the Respondent's choice of providing incomplete contact detail at the time of the disputed domain name's registration as well as the Respondent's failure to respond to the Complainant contentions and as a result to provide any evidence whatsoever of any good faith registration and use of the

disputed domain names are additional indications of bad faith (see, e.g., Asurion, LLC v. quan zhongjun aka zhongjun quan, WIPO Case No. D2022-4267; Sodexo v. Taylor Lin, WIPO Case No. D2024-2643; News Group Newspapers Limited and News Network Limited v. Momm Amed la, WIPO Case No. D2000-1623; Nike, Inc. v. Azumano Travel, WIPO Case No. D2000-1598 and America Online, Inc. v. Antonio R. Diaz, WIPO Case No. D2000-1460). Therefore, the Panel finds that the Complainant has also satisfied the third element of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **novartisneva.com**: Transferred

PANELLISTS

Name	**Guido Maffei**

DATE OF PANEL DECISION 2025-09-25

Publish the Decision