Decision for dispute CAC-UDRP-107918

Case number	CAC-UDRP-107918
Time of filing	2025-09-08 11:13:25
Domain names	truxima.cc

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Celltrion, Inc.

Complainant representative

Organization	SILKA AB

Respondent

Organization	medu

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 the TRUXIMA trademark, registered worldwide, including:

- International trademark TRUXIMA with registration number 1254346, registered on February 27, 2015, for goods in class 5, designating, inter alia, People's Republic of China, Russian Federation and Japan;
- United States trademark TRUXIMA with registration number 4962045, registered on May 24, 2016, for goods in class 5; and
- International stylized trademark TRUXIMA with registration number 1853192, registered on March 7, 2025 for goods in class 5, designating Bosnia and Herzegovina, Canada, Malaysia, Philippines, Pakistan, Serbia, and Viet Nam.

FACTUAL BACKGROUND

The Complainant is a Korean global integrated biotechnology company involved in the research, development and production of biosimilars, biodrugs, and chemical drugs. The Complainant has more than 3,000 employees and is the largest manufacturer and exporter of biosimilars in the Republic of Korea, with its products being sold in over 100 countries worldwide, and currently having a market capitalization of around USD 29 billion. Among the biosimilar monoclonal antibodies developed and produced by the Complainant and sold around the world, its TRUXIMA branded product is a biosimilar of rituximab for the treatment of adults with non-Hodgkin’s lymphoma and rheumatoid arthritis. On February 17, 2017, TRUXIMA received a marketing authorization from the European Medicines Agency valid throughout the European Union. In 2018, the United States Food and Drug Administration

approved TRUXIMA for the treatment of non-Hodgkin's lymphoma, and in 2019 for the treatment of rheumatoid arthritis.

The Respondent registered the disputed domain name on May 6, 2025. The disputed domain name is passively held and has MX servers configured.

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 Respondent did not reply to the Complainant’s contentions. However, the consensus view of UDRP panels is that the Respondent’s default does not automatically result in a decision in favor of the Complainant. The Complainant must still establish each of the three elements required by paragraph 4(a) of the Policy. Although the Panel may draw appropriate inferences from a respondent’s default, paragraph 4 of the Policy requires the Complainant to support its assertions with actual evidence in order to succeed in these proceedings. Paragraph 14(b) of the Rules provides that, in the absence of exceptional circumstances, the Panel shall draw such inferences as it considers appropriate from a failure of a party to comply with a provision or requirement of the Rules. The Panel finds that in this case there are no such exceptional circumstances.

The Panel finds that the disputed domain name is identical to the Complainant’s TRUXIMA trademarks, as the disputed domain name contains the trademark in its entirety.

The Complainant has contended that the Respondent does not have trademark rights for, nor has it been commonly known by the disputed domain name. The Respondent is not affiliated or otherwise connected with the Complainant and was not granted a license or consent to use the TRUXIMA trademarks for any reason or in any manner, including in or as part of the disputed domain name. The Panel finds that the disputed domain name, which is nearly identical to the domain name <tuxima.com>, which is used by the Complainant’s European distributor, leads to an inference of connection with the Complainant, and that the Complainant has made out a prima facie case, calling for an answer from the Respondent. The Respondent has, however, not responded and the Panel is unable to conceive of any basis upon which the Respondent could sensibly be said to have any rights or legitimate interests in respect of the purportedly intentionally confusingly similar disputed domain name. The Panel accordingly finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Panel concurs with the panel in Celltrion, Inc. v. Keeley Washington, WIPO Case No. D2023-1746, who found "the Complainant's trademark TRUXIMA to be a coined term and to constitute a distinctive and widely-recognized trademark". From the fact that the Respondent has chosen to register the disputed domain name which is identical to the Complainant's TRUXIMA trademark, which trademark lacks a specific dictionary meaning and is, as said, a coined term of the Complainant, the Panel infers that the Respondent must have been aware of the TRUXIMA trademarks when registering the disputed domain name. This is further supported by the fact that the TRUXIMA trademark was registered in Pakistan, which, according to the Respondent, is the country where it is based, only two months before the Respondent registered the disputed domain name. The Panel does not consider this to be a mere coincidence. The Panel is therefore satisfied that the disputed domain name was registered in bad faith.

The Complainant must also prove that the Respondent uses the disputed domain name in bad faith. Under the circumstances at hand, the Panel finds that the passive holding of the disputed domain name constitutes use in bad faith. Section 3.3 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, states the following on this issue: "From the inception of the UDRP, panels have found that the non-use of a domain name (..) would not prevent a finding of bad faith under the doctrine of passive holding. While panels 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." In this case, the Panel concludes that the following cumulative circumstances are indicative of the Respondent's passive holding of the disputed domain name in bad faith: the fact that the TRUXIMA trademark is widely recognized, that the Respondent is found to have likely had the TRUXIMA trademarks in mind when it registered the disputed domain name, the Respondent's concealing its identity, and the lack of a Response in the current procedure. Also, the Respondent did not refute the Complainant's allegation that the Respondent configured the disputed domain name with MX records, which strongly suggests that the Respondent uses the disputed domain name for phishing activities. The Panel considers the uncontested assertions of the Complainant to be plausible and is satisfied that the Respondent is using the disputed domain name in bad faith.

Therefore, the disputed domain name is to be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **truxima.cc**: Transferred

PANELLISTS

Name	**Alfred Meijboom**

DATE OF PANEL DECISION 2025-10-05

Publish the Decision