Decision for dispute CAC-UDRP-107751

Case number	CAC-UDRP-107751
Time of filing	2025-10-08 09:35:09
Domain names	novartispharmasingapore.com

Case administrator

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

Complainant

Organization	Novartis AG

Complainant representative

Organization	Abion GmbH

Respondent

Organization	growth your business

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 owns a large portfolio of trademarks for NOVARTIS in several jurisdictions. As such, International Trademark with registration No. 663765, registered on July 1, 1996 or, the Intellectual Property India with registration No. 3574875, registered on July 17, 2017.

FACTUAL BACKGROUND

The Complainant is the holding company of the Novartis Group, headquarter in Switzerland and, set up in 1996 through a merger of two companies becoming one of the biggest global pharmaceutical and healthcare groups in the world.
In 2024, the Novartis Group achieved net sales of USD 50.3 billion and, total net income amounted to USD 11.9 billion, having a number of approximately 76 000 employees as of December 31, 2024.
NOVARTIS trademark is to be considered as well-known for UDRP purposes.

The Complainant owns multiple domain names consisting in the wording “novartis” and in combination of other terms, such as <novartis.com>, registered on April 2, 1996, <novartis.com.sg> registered on January 12, 2001, or <novartispharma.com> registered on October 27, 1999.

The disputed domain name <novartispharmasingapore.com> was registered on June 23, 2025 and redirects to a parking page of the

Registrar.
The Complainant sent on July 14, 2025 a cease-and-desist letter to the Respondent, via the Registrar, who did not reply.

PARTIES CONTENTIONS

THE COMPLAINANT
The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.
In particular, the Complainant alleges that the addition of the terms “pharma” and “singapore” cannot prevent a finding of confusingly similarity.
The Complainant also contends that none of the circumstances depicted in paragraph 4 (c) of the Policy applies in this case.
Indeed, says the Complainant, the structure of the disputed domain name, reveals that the Respondent’s intention was to refer to the Complainant, its trademark and business activity and, to create an association and a subsequent likelihood of confusion with the Complainant and, its trademarks.
Furthermore, Complainant´s trademark is well-known and the inactive use support a finding of bad faith use and registration.

THE 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

1. Identical or Confusingly Similar

The Complainant has shown rights in respect of NOVARTIS trademark for the purposes of the Policy. It is apparent that the mark NOVARTIS is reproduced in the disputed domain name <novartispharmasingapore.com>. The addition of “pharma” or “singapore” terms do not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. See WIPO Overview 3.0, section 1.8.

The applicable Top-Level Domain (‘TLD’) in a domain name is viewed as a standard registration requirement and as such is disregarded under the first element test.
The Panel finds that the first element of the Policy has been established.

2. Rights or Legitimate Interest

Paragraph 4(c) of the Policy sets out non-exclusive examples in which the Respondent may establish rights or legitimate interests in the disputed domain name. However, while the burden of proof in UDRP proceedings rests on the complainant, panels have recognized that proving a respondent lack or rights or legitimate interests in a domain name may result in the often-impossible task of "proving a negative". Accordingly, panels have established, since the inception of the Policy that it is sufficient to raise a prima facie case against the respondent and then the evidential burden of production shifts to the respondent. See CAC-UDRP-106452.

The Panel finds that none of the examples giving rise to rights or legitimate interests enumerated in the paragraph 4(c) of the Policy apply to the case.
Furthermore, the nature of the disputed domain name, comprising the Complainant's trademark and, the additional letters "pharma" and "singapore", implies awareness of the Complainant and its trademark and, seemingly an intent to take unfair advantage of such registration, which does not support a finding of any rights or legitimate interests.
Besides, the silence of the Respondent, once received the Complaint, has avoided the Panel to ponder, if any, circumstances may oppose to the Complainant´s prima facie showing.
The Panel finds that the second element of the Policy has been established.

3. Register and Used in Bad Faith

Noting that bad faith under the Policy is broadly understood to occur where a respondent takes unfair advantage of, or otherwise abuses a complainant's mark, the Panel now looks at the third requirement of the test.

By registering the disputed domain name that reproduces Complainant's well-known trademark, the Respondent targeted the Complainant. Accordingly, the Panel determines that the Respondent knew or should have known about the Complainant and its trademarks when registering the disputed domain name. That is to say, the registration was in bad faith.

Furthermore, the disputed domain name is not resolving to an active web with an attempt to sell or to contact the trademark holder but is resolving to a landing page of the Registrar. Having reviewed the available record, the Panel notes the distinctiveness and the reputation of Complainant's trademark, the composition of the disputed domain name and the trademark targeting of the Respondent. Under these circumstances the Panel finds that the passive holding of the disputed domain name by the Respondent does not prevent a finding of bad faith. WIPO Overview 3.0, section 3.3. The Registrar only use for a default landing page does not affect such conclusion. Additionally, the Panel finds that the lack of response to the cease-and-desist letter coupled with the activation of the MX records associated to the disputed domain name supports the above conclusion of bad faith registration.

The Panel finds that the Complainant has established 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. **novartispharmasingapore.com**: Transferred

PANELLISTS

Name	**Manuel Moreno-Torres**

DATE OF PANEL DECISION 2025-11-07

Publish the Decision