# Decision for dispute CAC-UDRP-108027

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| Case number | CAC-UDRP-108027 |
| Time of filing | 2025-10-13 10:23:06 |
| Domain names | norvartis.net |

## Case administrator

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| Name | Olga Slanařová (Case admin) |

## Complainant

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| Organization | Novartis AG |

## Complainant representative

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| Organization | Abion GmbH |

## Respondent

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| Organization | The Greenhouse Store, RBS INVESTMENTS LIMITED, UK |

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 NOVARTIS trademark, registered in numerous jurisdictions worldwide, with registrations predating the creation of the disputed domain name, including:

- The International trademark NOVARTIS No. 663765, registered on 1 July 1996, in classes 1, 2, 3, 4, 5, 7, 8, 9, 10, 14, 16, 17, 20, 22, 28, 29, 30, 31, 32, 40, 42;
- The International trademark NOVARTIS No. 1349878, registered on 29 November 2016, in classes 9, 10, 41, 42, 44 and 45;
- The European Union trademark NOVARTIS No. 304857, registered on 25 June 1999, in classes 1, 5, 9, 10, 29, 30, 31 and 32;
- The United States trademark NOVARTIS No. 2336960, registered on 4 April 2000, in classes 1, 5, 9, 10, 29, 30, 31, 32 and 42;
- The United Kingdom trademark NOVARTIS No. 900304857, registered on 25 June 1999, in classes 1, 5, 9, 10, 29, 30, 31 and 32;
- The United Kingdom trademark NOVARTIS No. 913393641, registered on 17 March 2015, in classes 9 and 10;
- The United Kingdom trademark NOVARTIS No. 801349878, registered on 17 November 2017, in classes 9, 10, 41, 42, 44 and 45;
- The Canada trademark NOVARTIS No. TMA523129, registered on 15 February 2000, in class 1, 9, 10, 41, 42, 44 and 45; and
- The Canada trademark NOVARTIS No. TMA1105887, registered on 3 August 2021, in classes 9, 10, 38, 41, 42, 44 and 45.

FACTUAL BACKGROUND

The Complainant is a multinational pharmaceutical and healthcare company headquartered in Switzerland and serves as the holding

company of the Novartis Group, one of the world's largest pharmaceutical and healthcare organizations, established in 1996 following the merger of Ciba-Geigy and Sandoz. The Novartis Group develops and distributes innovative medical treatments globally. In 2024, it reported net sales of USD 50.3 billion, net income of USD 11.9 billion, and employed approximately 76,000 full-time equivalent employees.

The Complainant's products are manufactured and distributed worldwide, including in Canada and the United Kingdom, through associated companies and subsidiaries such as Novartis Pharmaceuticals Canada Inc., Novartis UK Limited, Novartis Pharmaceuticals UK Limited, and Novartis Grimsby Limited.

The Complainant also owns multiple domain names incorporating its NOVARTIS trademark, including:

- <novartis.com> (created 2 April 1996),
- <novartis.net> (created 25 April 1998), and
- <novartispharma.com> (created 27 October 1999).

The domain names <novartis.com> and <novartispharma.com> resolve to the Complainant's official website, providing information to Internet users and consumers about its NOVARTIS mark, products, and services. The Complainant also maintains an extensive online presence through official social media platforms.

The Respondent purports to be a company based in Vancouver, Canada.

The disputed domain name was registered on 8 July 2025.

## 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).

Firstly, the Complainant holds rights in the NOVARTIS mark through its numerous trademark registrations worldwide. By virtue of these registrations, the Complainant satisfies the requirements of paragraph 4(a) of the Policy. See Avast Software s. r. o. v Milen Radumilo, 102384, (CAC 2019-03-12). The Panel finds that the Complainant has rights in the NOVARTIS mark under paragraph 4(a)(i) of the Policy.

Secondly, the Complainant contends that the disputed domain name incorporates, in its second-level portion, a misspelled version of the Complainant's well-known NOVARTIS trademark, achieved by the insertion of the letter "r" before the letter "v".

- Complainant's trademark: NOVARTIS
- Complainant's domain name: <novartis.net> (NOVARTIS.NET)
- Disputed domain name: <norvartis.net> (NORVARTIS.NET)

Upon side-by-side comparison, the Panel finds that the minor character change does not alter the overall impression that the disputed domain name is connected to the Complainant and its NOVARTIS trademark. The ".net" generic top-level domain (gTLD) is irrelevant when determining whether a mark is identical or confusingly similar under paragraph 4(a)(i) of the Policy. See Frogprog Limited v. Turf Source, 106100 (CAC 2025-11-04) ("The Panel finds that that this can be considered as typosquatting. In the Panel's view, the substitution of one letter by a visually similar number and the addition of a second "r" does not prevent the disputed domain name from being confusingly similar to the Complainant's trademark."). See also Loro Piana S.p.A. v. Khalid AlHashmi, 107983 (CAC 2025-11-10).

For the foregoing reasons, the Panel finds the Complainant has satisfied 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). More specifically, the Complainant must first make a prima facie case that the Respondent lacks rights and legitimate interests in the disputed domain name, and the burden of

prove then shifts to the Respondent to show it does have rights or legitimate interests. See PepsiCo, Inc. v Smith power production, 102378, (CAC 2019-03-08) ("The Panel finds that the Complainant has made out a prima facie case that arises from the considerations above. All of these matters go to make out the prima facie case against the Respondent. As the Respondent has not filed a Response or attempted by any other means to rebut the prima facie case against it, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.").

Firstly, the Complainant asserts that it has never granted the Respondent any rights or authorization to use the NOVARTIS trademark in any form, including within the disputed domain name. Furthermore, there is no evidence that the Respondent is commonly known by the disputed domain name or holds any corresponding trademark rights.

Secondly, the Complainant claims that based on the its investigation, the Registrant's organization name, "RBS Investments Limited, UK," corresponds to a company formerly registered in the United Kingdom, which was dissolved on 20 October 2019, and appears to be associated with potentially fraudulent activities.

Thirdly, the Complainant further contents that the disputed domain name is passively held and does not resolve to an active website. There is no indication that the Respondent has used, or has made demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, nor any evidence of legitimate noncommercial or fair use.

The Panel finds that the Complainant has established a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name. As a result, the burden of proof shifts to the Respondent to demonstrate such rights or interests. However, the Respondent has failed to submit any response within the required timeframe to rebut these assertions.

For the foregoing reasons, the Panel finds the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

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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).

Firstly, the complainant reiterates that the NOVARTIS trademark registrations substantially predate the registration of the disputed domain name, and the Respondent was never authorized to register or use it. The NOVARTIS mark is well-known and registered in multiple jurisdictions. In addition, the Complainant maintains a strong online presence, actively promoting its mark, products, and services via its official website and social media platforms. A simple online search for "Novartis" or "norvartis" would have inevitably informed the Respondent of the Complainant, its trademark, and business, as the majority of search results relate directly to the Complainant, its activities, website, social media accounts, or related topics. It is therefore inconceivable that the Respondent was unaware of the existence of the Complainant when it registered the disputed domain name. The disputed domain name uses a misspelled form of the Complainant's well-known NOVARTIS trademark with the gTLD ".net," closely resembling <novartis.net>. This creates a likelihood of confusion and suggests a false association with the Complainant, indicating the Respondent registered the domain name to exploit the trademark's reputation.

Secondly, the Complainant asserts that the Respondent's postal address appears to be incorrect. While the WHOIS record lists the street "250 Bishopsgate," which is located in London, United Kingdom, other elements of the address correspond to Vancouver, Canada, including "777 Dunsmuir Street," the city and province, and postal code "V7Y 1K4". Accordingly, the Respondent's address provided to the Registrar appears to be inaccurate.

Thirdly, the Complainant contents that the disputed domain name has been passively held. Under the doctrine of passive holding, non-use does not preclude a finding of bad faith. Any plausible use of the domain name by the Respondent would likely be illegitimate, including potential passing off, infringement of consumer protection laws, or violation of the Complainant's trademark rights. Furthermore, the disputed domain name consists entirely of a misspelled form of the Complainant's well-known NOVARTIS trademark. In similar cases, the high distinctiveness and reputation of a trademark is a strong indicator of bad-faith registration and use.

Fourthly, the Complainant sent a cease-and-desist letter to the Respondent regarding the NOVARTIS trademark, to which the Respondent did not respond. Furthermore, the Respondent appears to be concealing its identity, as its name and contact details are shielded in the publicly available WHOIS records, which constitutes additional evidence of bad faith.

Having thoroughly considered the overall circumstances and in light of the Respondent's failure to submit an official response, the Panel agrees that the Respondent has no plausible reason to be passively holding a domain name that is a misspelled version of a famous brand and it is commonly agreed by the previous panels that passive holding of a domain name does not prevent the finding of bad faith, see Intesa Sanpaolo S.p.A. v. jette mellemgaard, 107170 (CAC 2025-01-09) ("Under the Telstra precedent and progeny, panels have tended to make such findings in circumstances in which a complainant's mark is well-known, and there is no conceivable use that could be made of the domain name that would not amount to an infringement of the complainant's trade mark rights. Here, the Complainant sufficiently alleges that its marks are well-known, at least in Europe where Respondent is purportedly located. Furthermore, given the nature of the disputed domain name which includes the Italian word for "verification" in connection with the trademarks of a well-known banking group, the Panel agrees that there is no conceivable good faith use of the disputed domain name. It is far more likely that the disputed domain has been registered and is being held with nefarious intention to commit fraud or crime. The Respondent has not appeared to offer any purported justification. Therefore, the Panel finds that Complainant has adequately established this element of the Policy."). See also COMPAGNIE DE SAINT-GOBAIN v. saint-gobaln,108013, (CAC

2025-10-31) ("The Panel believes that this case is a prima facie example of typosquatting (i.e. intentional attempt to attract, for commercial gain, Internet users to the web site by creating a likelihood of confusion with Complainant's Trademarks) which is one of the model situations of bad faith registration / use of a domain name (paragraph 4(b)(iv) of the Policy). As numerous previous decisions have held, typosquatting as such is evidence of bad faith"). The inaccurate WHOIS information and the Respondent's failure to respond to the cease-and-desist letter further demonstrate that the disputed domain name was registered and is being used in bad faith.

For the foregoing reasons, the Panel finds the Complainant has satisfied 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

Having established all three elements required under the UDRP Policy, the Panel concludes that the disputed domain name should 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. **norvartis.net**: Transferred

## PANELLISTS

| Name | **Mr Paddy TAM** |
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DATE OF PANEL DECISION 2025-11-13

Publish the Decision