Decision for dispute CAC-UDRP-108063

Case number	CAC-UDRP-108063
Time of filing	2025-10-21 10:28:39
Domain names	noovartis.top

Case administrator

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

Complainant

Organization	Novartis AG

Complainant representative

Organization	Abion GmbH

Respondent

Name	Abir Hossain

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

Complainant owns numerous trademarks NOVARTIS® registered in numerous jurisdictions all over the world such as but not limited to:

- The International trademark NOVARTIS No. 663765, registered on July 1, 1996, in classes 1, 2, 3, 4, 5, 7, 8, 9, 10, 14, 16, 17, 20, 22, 28, 29, 30, 31, 32, 40, 42, designating many countries;

- The International trademark NOVARTIS No. 1349878, registered on November 29, 2016, in classes 9, 10, 41, 42, 44 and 45, designating many countries;

- The India trademark NOVARTIS No. 702108, registered on August 25, 2003, in class 9;

- The India trademark NOVARTIS No. 3574875, registered on July 17, 2017, in class 9;

- The European Union trademark NOVARTIS No. 304857, registered on June 25, 1999, in classes 1, 5, 9, 10, 29, 30, 31 and 32; and

- The United States trademark NOVARTIS No. 2336960, registered on April 4, 2000, in classes 1, 5, 9, 10, 29, 30, 31, 32 and 42.

Of all the above trademark registrations evidence is included in the Complaint through prints from the on-line databases of the mentioned trademark registers.

FACTUAL BACKGROUND

Complainant is Novartis AG, the holding company of The Novartis Group, which is one of the biggest global pharmaceutical and healthcare groups. It provides solutions to address the evolving needs of patients worldwide by developing and delivering innovative medical treatments and drugs. Novartis AG with headquarters in Switzerland, was created in 1996 through a merger of two other companies Ciba-Geigy and Sandoz. 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 Novartis Group publishes its Annual Reports with detailed information about their activities globally yearly and they can be found on the Internet. A web address is submitted to the Complaint.

Complainant's products are manufactured and sold in many countries worldwide, including in Bangladesh, where it has an active presence through company Novartis (Bangladesh) Limited part of the Novartis group

Evidence about the establishments in the world is enclosed in the Complaint.

Complainant is the owner of the registered and, as alleged by Complainant, well-known trademark NOVARTIS® in numerous jurisdictions all over the world. Moreover, as Complainant states, previous UDRP Panels have decided that the NOVARTIS® trademark is well-known (see Novartis AG v. Amartya Sinha, Global Webs Link, Novartis RO, WIPO Case No. D2020-3203). The UDRP decisions are however neither enclosed in the Complaint, nor cited.

Besides trademarks, Complainant owns numerous domain names composed of either its trademark NOVARTIS® alone, including <novartis.com> (created on 2 April 1996), <novartis.net> (created on April 25, 1998), or in combination with other terms, such as <novartispharma.com> (created on 27 October 1999). Evidence is enclosed in the Complaint.

Moreover, Complainant states that it uses the domain names <novartis.com> and <novartispharma.com> to resolve to its official website through which it informs Internet users and potential consumers about its NOVARTIS® mark and its related products and services. Complainant alleges that it enjoys a strong presence online via its official social media platforms. Evidence of this online presence is enclosed.

Respondent is Abir Hossain from Bangladesh. He registered the disputed domain name <noovartis.top> on July 30, 2025 and the domain name resolved to a login page in Bengali prominently displaying at its top the NOVARTIS trademark. The login displayed contact fields on which Internet users are invited to provide their personal information, such as a mobile phone number.

Complainant sent a cease-and-desist letter to Respondent on August 26, 2025 and reminders of it on September 9 and 15, 2025 to cease and desist the use of the disputed domain name and transfer it to Complainant as well as refraining from registering and using any domain names or brands, trademarks, company names, trade names that conflict with or infringe upon Complainant's intellectual property rights (including confusingly similar terms or signs), worldwide. No response was received.

Later, the disputed domain name did not resolve to a webpage anymore.

PARTIES CONTENTIONS

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

According to the Policy paragraph 4(a)(i) it needs first to be established that:

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

The disputed domain name <noovartis.top> incorporates in its second level-portion a misspelled form of Complainant's well-known trademark NOVARTIS, by adding a letter "o" between the letters "o" and "v", asserts Complainant.

As stated in the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Jurisprudential Overview 3.0"):

"[a] domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element" (see also WIPO Case D2022-4365, JCDecaux SA v. Sozinho Basilio).

Complainant continues by asserting that the presence of the generic Top-Level Domain ("gTLD") extension ".top" in the first level portion of the disputed domain name is a standard registration requirement and may be disregarded when assessing whether the

disputed domain name is confusingly similar to the trademark in which the Complainant has rights (see Rollerblade, Inc. c. Chris McCrady, WIPO Case No. D2000-0429; Can Pro Pet Products LTD. c. Matthew Dweck, WIPO Case No. D2020-0615).

The structure of the disputed domain name – incorporating in its second level portion the misspelled version of the NOVARTIS trademark – reflects Respondent's intention to create an association, and a subsequent likelihood of confusion, with the Novartis group and its NOVARTIS trademark as well as Complainant's domain names <novartis.com> and <novartis.net> in Internet users' mind.

The disputed domain name in its structure refers to the Novartis group.

More precisely, by deliberately registering and using the domain name incorporating a misspelled form of Complainant's NOVARTIS trademark, Respondent has been involved in "typosquatting". Complainant cites here:

Such conduct aims at capitalizing on Internet users' mistakes when reading the disputed domain name. When "the Domain Name is a typical example of typosquatting" and "registered with a minor variation of a well-known brand name with a view to taking advantage of typographical errors or mistaken perception by Internet users", "such a registration cannot possibly, on the face of it, give rise to rights or legitimate interests on the part of the registrant of a domain name" (Sodexo v. WhoisGuard, Inc. / Linda Carola, WIPO Case No. D2020-2181).

Thus, the disputed domain name is confusingly similar to the trademark of Complainant, according to Complainant.

The Panel follows the reasoning of Complainant.

Moreover, the trademark registrations predate the registration of the disputed domain name and thus the trademark rights prevail.

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 Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

According to the Policy paragraph 4(a)(ii) it needs further to be established that:

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

Paragraph 4 (c) of the Policy provides circumstances that could demonstrate that Respondent has no rights to and legitimate interests in the Domain Name. These circumstances are not exclusive. Circumstance that are providing rights or legitimate interests to the domain name are:

(i) before any notice to the Respondent of the dispute, the use of, or 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) Respondent (as an individual, business, or other organization) has been commonly known by the domain name, even if though it has acquired no trademark or service mark rights; or

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

Further, according to the WIPO Case No. D2003-0455, Croatia Airlines d. d. v. Modern Empire Internet Ltd.:

Complainant is required to make out a prima facie case that Respondent lacks rights or legitimate interests. Once such prima facie case is made, Respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If Respondent fails to do so, Complainant is deemed to have satisfied paragraph 4(a) (ii) of the Policy.

According to Complainant Respondent has no rights on or legitimate interests in the disputed domain name:

Complainant has never granted Respondent with any rights to use the NOVARTIS® trademark in any form, including in the disputed domain name.

Moreover, there is no evidence that Respondent is known by the dispute domain name or owns any corresponding registered trademarks.

Complainant alleges further that:

- When conducting searches on online trademark databases regarding the terms "noovartis.top" or "noovartis", no information is found in relation with trademarks corresponding to the aforementioned terms owned by a third-party. Evidence of this allegation is enclosed.
- Respondent's name "Abir Hossain" does not correspond to the disputed domain name.

- Respondent also been using a privacy shield service, masking its identity on the publicly available Registrar's WhoIs Enclosed is evidence of the aforesaid. It appears that the Respondent has aimed at hiding its true identity rather than being known by the disputed domain name.
- Respondent has not been using, or preparing to use, the disputed domain name in connection with a bona fide offering of goods and services, nor making a legitimate noncommercial or fair use of the disputed domain name.
- As the disputed domain name and the webpage, it resolved to – displaying the NOVARTIS trademark – are clearly inferring a direct association to Novartis, Internet users reaching the aforementioned website are led to believe that it is authorized or even connected to Complainant, which is not the case. Being deceived, Internet users may send personal information via the registration fields displayed on the website. In taking such action, Internet users might be victim of fraud attempts, especially phishing attacks. Such use of the disputed domain name aims at attracting Internet users to obtain an undue commercial gain by creating a likelihood of confusion with the Complainant's NOVARTIS trademark as to the sources, sponsorship, affiliation, or endorsement of the web page associated to the disputed domain name.

With respect to the last point Complainant refers to WIPO Overview 3.0 section 2.13.1:

"[t]he disputed domain name is associated to a login page for WOTIF" which "prompts users to login to their WOTIF accounts" and "displays the WOTIF trademark prominently" as well as request from Internet users, in order to login, "to insert theirs phone numbers", it has been stated that "through the disputed domain name the Respondent is seeking to impersonate the Complainant and to obtain personal information through fraudulent means". The Panel has further added "[i]t is not clear what the real purpose behind this use is, but it is certainly illegitimate" and that "[t]he use of a domain name for illegal activity can never confer rights or legitimate interests on the respondent ("Expedia, Inc. v. Dewen Zhong, DBG, WIPO Case No. D2022-4203; see also HomeAway.com, Inc. v. xiao fang bin, WIPO Case No. D2023-5074).

Complainant concludes that Respondent has no rights or legitimate interests.

The Panel finds that Complainant has sufficiently substantiated that Respondent has no rights and legitimate interest and in absence of any defense of Respondent concludes it as true.

Complainant has, to the satisfaction of the Panel, shown 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

According to the Policy paragraph 4(a)(iii) it finally needs to be established that:

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

Paragraph 4 (b) of the Policy provides circumstances on that demonstrate that Respondent has registered and used the domain name in bad faith. These circumstances are not exclusive.

Those circumstances are for example:

(i) circumstances indicating that Respondent has registered or has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) Respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or

(iii) Respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to its web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location.

1. **The disputed domain name was registered in bad faith**

Respondent registered the disputed domain name many years after the registrations of Complainant's NOVARTIS® trademarks. The NOVARTIS® trademark is a well-known trademark registered in many countries as stated by Complainant and substantiated with evidence. Moreover, the Novartis group has a strong presence online. It is very active online via its official website and on social medias to promote its mark, products and services.

Also, the Novartis group has an active business presence in Bangladesh, country in which a company part of the Novartis Group is established and where Respondent is based.

By conducting a simple search online on popular search engines regarding the terms “Novartis” or “noovartis”, Respondent would have inevitably learnt about Complainant, its trademark and business as the majority of the results relate to the Complainant its business activity, website, social medias accounts or related topics

Complainant further asserts that previous UDRP panels have stated that the NOVARTIS® trademark is well-known (see Novartis AG v. Amartya Sinha, Global Webs Link, Novartis RO, WIPO Case No. D2020-3203). It is therefore inconceivable that Respondent was unaware of the existence of Complainant when it registered the disputed domain name.

Furthermore, the disputed domain name incorporates, in its second level portion, a misspelled form of Complainant’s well-known trademark NOVARTIS® and the gTLD “.top”. It reflects the Respondent’s clear intention to create an association, and a subsequent likelihood of confusion, with Complainant’s trademark in Internet users’ mind. By reading the disputed domain name, the Internet users may believe that it is directly connected to or authorized by Complainant. Respondent registered the disputed domain name to take advantage of Complainant’s well-known trademark.

In view of the above facts, it clearly appears that Respondent knew Complainant and the NOVARTIS® trademark at the time it registered the disputed domain name. Thus, Respondent has registered the disputed domain name in bad faith.

The Panels follows Complainant’s argumentation. First of all, it is crucial to establish whether Complainant’s trademark NOVARTIS® has a reputation. For it would not be convincing that Respondent would have created the disputed domain name on its own without knowing about Complainants trademark.

In order to establish this reputation Complainant submits evidence being previous UDRP decisions in which the Panels decided that the trademark has a reputation, the annual report of its company and prints from its website, LinkedIn page comprising above 4 million followers, Facebook page comprising 428K followers, X comprising 292 K followers, Instagram comprising 124K followers.

As neither the previous decisions in other UDRP cases are submitted nor cited, nor the annual report of 2024 is submitted, the Panel sets this evidence aside. However, the prints from its webpage and social media are sufficient basis to establish reputation of the trademark NOVARTIS® according to the Panel.

Further, Complainant has shown that it has an establishment in Bangladesh, the domicile of Respondent, which makes it even more likely that Respondent had knowledge of the existence of the trademark NOVARTIS.

Thus, the Panel agrees with Complainant that the disputed domain name was registered in bad faith.

2. **The disputed domain name is being used in bad faith**

On August 25, 205, the disputed domain name was resolving to a login page, displaying Complainant’s trademark NOVARTIS. According to Complainant, such use of the disputed domain name aims at creating a likelihood of confusion with Complainant, its NOVARTIS trademark as to the sources, sponsorship, affiliation, or endorsement of the aforementioned webpage.

Complainant cites previous UDRP cases to establish the bad faith use of Respondent:

In a similar case, a domain name resolved to “a login page displaying Complainant’s JCDECAUX trade mark”, requiring “certain personal information to access” and it was “possible that Respondent attempted to collect personal data for illegal purposes”.

The Panel held that “[a]lthough the disputed domain name is no longer active, considering the distinctiveness and reputation of Complainant’s trade mark and the composition of the disputed domain name clearly targeting Complainant, the Panel finds that the current non-use of the disputed domain name does not change the Panel’s finding of the Respondent’s bad faith” (see JCDECAUX SE v. li didi, WIPO Case No. D2025-2686).

In another case, it has been held that “a webpage displaying a login page reproducing the WOTIF mark and containing a copyright notice suggesting that WOTIF is operating the webpage”, it has been considered “[w]ith respect to use in bad faith” that “Respondent is clearly trying to impersonate Complainant to attract Internet users to its website, asking them for personal information, such as their telephone number”.

The Panel has also held that “[i]n this way, Internet users are misled as to the true origin of the webpage and likely to insert the required information to login in what they believe is Complainant’s platform”.

It has also stated that “[a]lthough what happens after the Internet user has made the login is not clear, in consideration of the overall circumstances of this case there are little doubts that Respondent’s purpose is illegitimate” as well as “It is indeed quite likely that Respondent has targeted the Complainant and its WOTIF trademark for some kind of personal advantage” (see Expedia, Inc. v. Dewen Zhong, DBG, WIPO Case No. D2022-4203; see also HomeAway.com, Inc. v. xiao fang bin, WIPO Case No. D2023-5074).

Furthermore, Complainants asserts:

Paragraph 4(b)(ii) of the Policy reads as follows “you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct.”

Besides the registration of the disputed domain name, Respondent also owns other domain names incorporating third-parties' trademark rights. Respondent has registered the domain names <ebaybd.top> on May 31, 2025, which incorporates eBay Inc.'s trademark EBAY, and <xerox-company.top> on May 17, 2026, incorporating Xerox corporation trademark XEROX. Evidence of the registrations are enclosed to the Complaint.

As it has been constantly held, "[a] pattern of abuse has also been found where the respondent registers, simultaneously or otherwise, multiple trademark-abusive domain names corresponding to the distinct marks of individual brand owners" (WIPO Jurisprudential Overview 3.0, Section 3.1.2).

Moreover, Complainant sent a cease and desist letter to Respondent informing of the Complainant's rights regarding the NOVARTIS trademark, to which the Respondent did not reply. Such behavior may infer bad faith (see Altarea v. Loretta Zayas, WIPO Case No. D2020-2337).

Lastly, Complainant asserts that it is likely that Respondent tries to conceal its identity regarding the ownership of the disputed domain name – as his name and contact details are covered by a privacy shield in the corresponding WhoIs record – which is further evidence of bad faith (Instagram, LLC v. Registration Private, Domains By Proxy, LLC / Murat Sander, WIPO Case No. D2021-0526).

The aforementioned facts demonstrate that Respondent has been using the disputed domain name in bad faith according to Complainant.

The Panel has the following findings:

The disputed domain name was firstly used for a website containing Complainant's NOVARTIS device and a login. Later the disputed domain name did not resolve to a webpage anymore.

The first use of the disputed domain name, resolving to a website depicting the NOVARTIS trademark and showing a login that welcomes website visitors to insert their personal data is clearly use in bad faith as Respondent has no connection to Complainant and the website visitors will be deceived.

In this Complaint however the actual situation is that the disputed domain name does not resolve to a webpage. The question that the Panel whether use of the disputed domain name is at stake here.

The Panel concludes, that it is likely that Respondent deleted the webpage after having received the cease and desist letter, and by deleting the webpage Respondent would expect not to fulfil the criteria of paragraph 4(a)(iii) of the Policy with respect to bad faith use of the disputed domain name. Consequently, Respondent could keep the disputed domain name.

As already stated by previous panels and also cited by Complainant, the sudden deletion of a webpage belonging to a domain name that is similar to a reputed trademark cannot be seen different than in the light of the previous use, namely use of the trademark of Complainant in order to attempted to collect personal data for illegal purposes. And,

"[a]lthough the disputed domain name is no longer active, considering the distinctiveness and reputation of Complainant's trade mark and the composition of the disputed domain name clearly targeting Complainant, the Panel finds that the current non-use of the disputed domain name does not change the Panel's finding of Respondent's bad faith. (citation of JCDECAUX SE v. li didi, WIPO Case No. D2025-2686).

The Panel thus concludes that also the use of the domain name is in bad faith.

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.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **noovartis.top**: Transferred

PANELLISTS

Name	**Marieke Westgeest**

DATE OF PANEL DECISION 2025-12-02

Publish the Decision