Decision for dispute CAC-UDRP-108108

Case number	CAC-UDRP-108108
Time of filing	2025-11-04 16:30:18
Domain names	tevapharama.com

Case administrator

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

Complainant

Organization	Teva Pharmaceutical Industries Ltd.

Complainant representative

Organization	SILKA AB

Respondent

Name	Jessica Vaz

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 many registered trademarks worldwide, including:

- European Union trademark TEVA with registration number 1192830 of July 18, 2000 for goods in classes 3, 5 and 10 for, inter alia, pharmaceuticals and other preparations for medical purposes;
- European Union trademark TEVAPHARM with registration number 018285645 of January 9, 2021 for goods and service is classes 5 and 44 for, inter alia, pharmaceutical preparations and consulting services in the field of pharmaceuticals; and
- Indian national trademark TEVA with registration number 572847 of May 11, 1992 for pharmaceutical products in class 5.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant is a pharmaceutical company which was established in 1901 and currently operates 48 manufacturing facilities and has about 37,000 employees. The Complainant maintains a portfolio of approximately 3,500 products, including generic, speciality, and over-the-counter medicines. The Complainant and its affiliated companies own many domain names which encompass the TEVA trademarks, including <tevapharma.com>.

The Complainant contends that the disputed domain name is confusingly similar to the Complainant's TEVA and TEVAPHARM trademarks as identified above (the "TEVA Mark"), as the disputed domain name incorporates the TEVA Mark as the leading element on the second-level domain, with the element "pharama" being a minor misspelling of "pharma".

The Complainant alleges that the Respondent has no rights or legitimate interests in the disputed domain name because the Respondent does not have trademark rights for, nor is it commonly known by, the disputed domain name or a similar term. The Respondent has also not been licensed by the Complainant to use the TEVA Mark in any way. Further, the Complainant alleges that the Respondent has not used, nor prepared to use, the disputed domain name in connection with a bona fide offering of goods or services, nor a legitimate non-commercial or fair use. The disputed domain name resolves to a parking page displaying pay-per-click links to pharmaceutical products and services which unfairly diverts Internet users to such third-party offerings.

The Complainant alleges that the Respondent has registered the disputed domain name in bad faith as the simplest degree of due diligence would have made it aware of the Complainant's rights in the globally renowned TEVA Mark, while the Respondent's composition of the disputed domain name reflects the Respondent's intend to exploit typographical error or visual oversight. According to the Complainant, the Respondent has, by registering the disputed domain name, deliberately targeted the TEVA Mark through deceptive misspelling as the term "tevapharama" has no independent meaning, and its only plausible function is to mislead users into believing that the disputed domain name is connected with the Complainant.

Furthermore, the Complainant alleges that the Respondent also used the disputed domain name in bad faith because the Respondent has intentionally attempted to attract, for commercial gain, internet users by creating a likelihood of confusion with the Complainant's TEVA Mark. The Complainant also asserts that the Respondent has configured the disputed domain name with active mail exchange (MX) records which presents a significant risk of deceptive e-mail activity such as phishing. According to the Complainant, the presence of MX records under these circumstances strongly supports an inference of bad faith, as there is no plausible good faith justification for enabling email services on a domain name that so clearly targets the Complainant.

PARTIES CONTENTIONS

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. The disputed domain name is identical or confusingly similar to a Complainant's trademark (Paragraph 4(a)(i) of the Policy).

The Panel finds that the TEVA Mark is recognizable within the disputed domain name. The Panel is satisfied that the disputed domain name consists of an intentional misspelling of the Complainant's TEVA Mark, and more particularly its TEVAPHARMA trademark. The disputed domain name is therefore confusingly similar to the Complainant's TEVA Mark.

2. The Respondent's lack of rights or legitimate interests in the disputed domain name (paragraph 4(a)(ii) of the Policy)

The Complainant must show a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name, which the Respondent may rebut (e.g., Croatia Airlines d.d. v. Modern Empire Internet Ltd., WIPO Case No. D2003-0455). The Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name as it was not contested that the Complainant has not authorized the Respondent to use the Trademarks as part of the disputed domain names, and the Respondent is not known by the disputed domain name.

3. The disputed domain name has been registered and is being used in bad faith (paragraph 4(c)(iii) of the Policy)

The Complainant showed that it has registered the TEVA Mark several decades before the Respondent registered the disputed domain name and the Complainant undisputedly alleged that the TEVA Mark had a reputation at the time the Respondent registered the disputed domain name. As the TEVA Mark also has no immediately discernible descriptive meaning, the Panel considers it likely that the Respondent registered the disputed domain name because it was familiar with the TEVA Mark. Consequently, the Panel is satisfied the disputed domain name was registered in bad faith.

The Panel is also satisfied that the Respondent has attempted to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's TEVA Mark through displaying third-party PPC links of services which are competing with the Complainant's area of business on the website to which the disputed domain name resolves. Accordingly, the Panel finds that the Respondent's use of the disputed domain name is in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **tevapharama.com**: Transferred

PANELLISTS

Name	**Alfred Meijboom**

DATE OF PANEL DECISION 2025-12-05

Publish the Decision