Decision for dispute CAC-UDRP-108109

Case number	CAC-UDRP-108109
Time of filing	2025-11-04 09:06:52
Domain names	novartisstock.xyz

Case administrator

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

Complainant

Organization	Novartis AG

Complainant representative

Organization	Abion GmbH

Respondent

Name	Liang Luo

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 various trademark registrations, including the following:

- International trademark registration no. 663765 for NOVARTIS, registered on July 1, 1996;
- International trademark registration no. 1544148 for NOVARTIS, registered on June 29, 2020;
- International trademark registration no. 1349878 for NOVARTIS, registered on November 29, 2016; and
- International trademark registration no. 666218 for NOVARTIS, registered on October 31, 1996.

The Complainant owns and operates numerous domain names, including:

- <novartis.com>, registered on April 2, 1996; and
- <novartispharmaceuticals.com>, registered on May 16, 2001.

The various domain names resolve to the Complainant’s official website.

The disputed domain name was registered on September 29, 2025, and at the time of filing the Complaint, it resolved to a parking website.

The Respondent is Liang Luo of Kun Shan Hua Qiao, Su Zhou Shi, Jiang Su, N/A, China.

FACTUAL BACKGROUND

The Complainant is one of the biggest pharmaceutical and healthcare groups in the world. Formed in 1996 through the merger of Ciba Geigy and Sandoz, the Complainant develops innovative medical treatments and drugs. It is also the holding company of the Novartis Group. In 2024, The Novartis Group achieved net sales of USD 50.3 billion, and its total net income amounted to USD 11.9 billion. As of December 31, 2024, it employs approximately 76 000 employees.

The Complainant's products are manufactured and sold in many countries worldwide, including China. It has a large presence in China, consisting of many subsidiaries and associated companies, including Suzhou Novartis Technical Development Co., Ltd., located in Jiangsu province, close to the Respondent's address.

Due to the Complainant's recent efforts in strengthening collaboration with Chinese partners, the Complainant's local operations have achieved rapid growth. In the first half of 2025, the Complainant recorded USD 2.2 billion in revenue in China, representing an 8% year-on-year increase

The Complainant also has a strong presence through its social media platforms such as LinkedIn, Facebook, X, and Instagram.

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

Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Uniform Domain Name Dispute Resolution Policy (the "Rules"), paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceedings be English as the disputed domain name is composed of the Complainant's NOVARTIS trademark and the English word "stock", the Respondent registered the disputed domain name with the generic top level domain ("gTLD") ".xyz" which is indicative that the Respondent is attempting to target a broader audience and not just Chinese visitors, the disputed domain name resolves to a pay-per-click ("PPC") webpage in English and the PPC links redirect to content that is also in English. In previous UDRP proceedings, past panels have ruled that in similar cases, English should be the language of the proceedings despite the registration agreement being in English.

The Respondent did not make any submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO

Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 4.5.1).

Having considered the circumstances of this case including the neutrality of English as a common language between parties, the fact that the disputed domain name consists of Latin characters, and fully incorporates the Complainant's English trademark and the English word "stock", the fact that English is a common language between both parties, and the fact that the Complainant would incur significant additional expense and delay if the Complaint was to be translated and submitted in English, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English. There does not appear to be any reasons which warrant a delay and additional expense in ordering the Complainant to translate the Complaint.

Other procedural matters

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

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires a complainant to show that a domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights.

The Complainant has provided evidence that it owns registered trademark rights in the NOVARTIS mark.

In this case, the disputed domain name consists of the Complainant's NOVARTIS trademark in its entirety with the addition of the suffix "stock". The mere addition of the suffix "stock" would not prevent a finding of confusing similarity. Thus, the disputed domain name is confusingly similar to the Complainant's trademark.

As for the generic Top-Level Domain ("gTLD") ".xyz" it is well established that the gTLD is not relevant to the issue of identity or confusing similarity between the Complainant's trademarks and the domain name in dispute (see WIPO Overview 3.0, section 1.11.1).

Consequently, the Panel finds that the Complainant has shown that the disputed domain name is identical to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

Once the complainant establishes a prima facie case that the respondent lacks rights or legitimate interests in the domain name, the burden of production shifts to the respondent to show that it has rights or legitimate interests in respect to the domain name (see WIPO Overview 3.0, section 2.1).

In the present case, the Complainant has demonstrated a prima facie case that the Respondent lacks rights or legitimate interests in respect of the disputed domain name and the Respondent has failed to assert any such rights or legitimate interests.

The Complainant has provided evidence that it has been the registered owner of the NOVARTIS mark long before the date that the disputed domain name was registered and that it has not authorised the Respondent to use the Complainant's trademarks. There is no evidence that the Respondent is commonly known by the disputed domain name. The Complainant also provided evidence showing that the disputed domain name resolved to a parking page displaying PPC sponsored links relating to investment topics. Given the combination of the Complainants' registered trademark and the word "stock" and the fact that the complainant is a publicly traded company, the use of the disputed domain name will not appear confer rights or legitimate interests to the Respondent. There is no evidence that the Respondent was using, or preparing to use, the domain name for a legitimate, non-commercial, or fair use.

The Respondent did not submit a Response and did not provide any explanation for its choice of the disputed domain name nor evidence to show rights or legitimate interests in the disputed domain name which would be sufficient to rebut the Complainant's prima facie case.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

The Complainant must also show that the respondent registered and is using the disputed domain name in bad faith (see Policy, paragraph 4(a)(iii)). Paragraph 4(b) of the Policy provides circumstances that may evidence bad faith under paragraph 4(a)(iii) of the Policy.

The Complainant's trademark was registered years before the registration of the disputed domain name. Given the reputation of the Complainant's mark and its good will, it is highly unlikely that the Respondent did not know of the Complainant and its trademark prior to the registration of the disputed domain name.

The disputed domain name consists of the Complainant's NOVARTIS trademark in its entirety with the omission of the hyphen. The

disputed domain name resolves to a parked webpage containing PPC links which resolve to links connected with investment, and such use appears to target Internet users believing the investment would be in or connected with the Complainant. Such use cannot be said to be a bona fide use of the disputed domain name.

Given the particular circumstances of this case, the distinctive nature of the Complainant's trademark, the degree of the Complainant's reputation, and the implausibility of any good faith use to which the domain name may be put, the Panel is persuaded by the evidence that the Respondent registered and was using the disputed domain name in bad faith with the aim of specifically targeting the Complainant.

The Panel notes that the Respondent failed to respond to the Complainant’s cease and desist letter, and provided no explanation nor evidence to rebut the Complainant’s case. Further, the mail exchange servers of the disputed domain name are configured. This would allow the Respondent to send e-mails using the domain of the disputed domain name and potentially impersonate the Complainant. These are additional indications of bad faith.

Accordingly, having regard to the circumstances of this case, the Panel finds that the Complainant has met its burden under paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **novartisstock.xyz**: Transferred

PANELLISTS

Name	**Jonathan Agmon**

DATE OF PANEL DECISION 2025-12-05

Publish the Decision