Decision for dispute CAC-UDRP-108045

Case number	CAC-UDRP-108045
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Domain names	novartis-pharm.com

Case administrator

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

Complainant

Organization	Novartis AG

Complainant representative

Organization	Abion GmbH

Respondent

Organization	Great Health Medicals

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 trade marks consisting of the name NOVARTIS in numerous jurisdictions around the world, including in the United Kingdom, such as: the International trade mark NOVARTIS, registration number 663765, first registered on 1 July 1996 in international classes 1-5, 7-10, 14, 16, 17, 20, 22, 28-32, 40 and 42; the International trade mark NOVARTIS, registration number 1349878, first registered on 29 November 2016 in international classes 9, 10, 41, 42, 44 and 45; the European Union trade mark NOVARTIS, registration number 013393641, first registered on 25 June 1999 in international classes 9 and 10; the United Kingdom national trade mark NOVARTIS, registration number 900304857, first registered on 5 July 1999 in international classes 1, 5, 9, 10, and 29-32; the United Kingdom national trade mark NOVARTIS, registration number 913393641, first registered on 17 March 2015 in international classes 9 and 10; the United Kingdom national trade mark NOVARTIS, registration number 801349878, first registered on 17 November 2017 in international classes 9, 10, 41, 42, 44 and 45; and the United States (USPTO) national trade mark NOVARTIS, registration number 2336960, first registered on 4 April 2000 in international classes 1, 5, 9, 10, 29-32 and 42. The Complainant’s trade mark registrations all predate the registration of the disputed domain name.

Furthermore, the Complainant owns multiple domain names consisting of or incorporating the name NOVARTIS, including <novartis.com>, registered on 2 April 1996, and <novartispharma.com>, registered on 27 October 1999, which are all connected to the Complainant's official websites through which it informs Internet users and potential consumers about its products and services. Moreover, a website page at “https://www.novartis.com/uk-en/” is dedicated to informing Internet users about the Novartis Group in the United Kingdom, where the Respondent is located.

The Panel further notes that previous other panels have found the Complainant's trade mark NOVARTIS to be well-known worldwide

(see WIPO Case No. D2016-1688, Novartis AG v. Domain Admin, Privacy Protection Service INC d/b/a PrivacyProtect.org/Sergei Lir <novartis-bio.com>; and WIPO Case No. D2020-3203, Novartis AG v. Amartya Sinha, Global Webs Link, Novartis RO). The Panel accepts that the Complainant's trade mark NOVARTIS is well-known around the world, including in the United Kingdom.

FACTUAL BACKGROUND

The Novartis Group 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. The Complainant, Novartis AG, was created in 1996 through a merger of two other companies, Ciba-Geigy and Sandoz, and is the holding company of the Novartis Group. In 2024, the Novartis Group achieved net sales of USD 50.3 billion, total net income amounted to USD 11.9 billion, and it employed approximately 76 000 full-time equivalent employees as of 31 December 2024.

The Complainant's products are manufactured and sold in many countries worldwide. The Complainant has an active presence in the United Kingdom through associated companies and subsidiaries, such as Novartis UK Limited, Novartis Pharmaceuticals UK Limited and Novartis Grimsby Limited. Furthermore, the Complainant enjoys a strong presence online via its official social media platforms.

The Respondent registered the disputed domain name <novartis-pharm.com> on 22 April 2025. On 10 October 2025, the disputed domain name resolved to an inactive parking page. On 8 December 2025, the disputed domain name resolved to a parking page displaying commercial links referring to the field of pharmaceuticals as well as to "Novartis Products". As at the date of this decision, the disputed domain name reverted to resolving to an inactive parking page. Active MX records have been associated with the disputed domain name.

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 trade mark 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

With regard to the first UDRP element, the Panel finds that the disputed domain name <novartis-pharm.com> is confusingly similar to the Complainant's trade mark NOVARTIS. Indeed, the disputed domain name incorporates the Complainant's trade mark in its entirety but adds the generic term "pharm" as a hyphenated suffix to the Complainant's trade mark. The Panel follows in this respect

the view established by numerous other decisions that a domain name which wholly incorporates a Complainant's registered trade mark may be sufficient to establish confusing similarity for the purposes of the UDRP (see, for example, WIPO Case No. D2003-0888, Dr. Ing. h.c. F. Porsche AG v. Vasiliy Terkin <porsche-autoparts.com>). Furthermore, the incorporation of a complainant's well-known trade mark in the disputed domain name is considered sufficient to find the domain name confusingly similar to the complainant's trade mark (see WIPO Case No. D2000-0138, Quixtar Investments, Inc. v. Smithberger and QUIXTAR-IBO <quixtar-sign-up.com>; and WIPO Case No. D2001-0110, Ansell Healthcare Products Inc. v. Australian Therapeutics Supplies Pty, Ltd <ansellcondoms.com>). The Panel further considers it to be well established that the addition of a descriptive or generic term does not allow a domain name to avoid confusing similarity with a trade mark, (see, for example, WIPO Case No. D2019-2294, Qantas Airways Limited v. Quality Ads <qantaslink.com>; and CAC Case No. 102137, Novartis AG v. Black Roses <novartiscorp.com>). Other panels have previously found that "Where the relevant trademark is recognizable within the Disputed Domain Name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element" (see WIPO Case No. D2020-0528, Philip Morris Products S.A. v. Rich Ardtea <global-iqos.com>). Against this background, the Panel finds that the addition of the generic term "pharm", which can be understood as an abbreviation of the term "pharmaceutical", to the Complainant's trade mark is not sufficient to alter the overall impression of the designation as being connected with the Complainant's trade mark and does not prevent a likelihood of confusion between the disputed domain name and the Complainant and its trade mark. To the contrary, the disputed domain name rather adds to the likelihood of confusion because the term "pharm" in conjunction with the Complainant's trade mark Novartis suggests that the disputed domain name links to an official website for the Complainant, which is a pharmaceutical company, and implies that it is linked to the Complainant and its business.

With regard to the second UDRP element, there is no evidence before the Panel to suggest that the Respondent has made any use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. Neither is there any indication that the Respondent is making legitimate non-commercial or fair use of the disputed domain name. Indeed, the disputed domain name is not being used for any active website but resolves to an inactive parking page. A lack of content at the disputed domain has in itself been regarded by other panels as supporting a finding that the respondent lacked a bona fide offering of goods or services and did not make legitimate non-commercial or fair use of the disputed domain name (see, for example, Forum Case No. FA 1773444, Ashley Furniture Industries, Inc v. Joannet Macket/JM Consultants). The Panel further finds that the Respondent is not affiliated with or related to the Complainant in any way and is neither licensed nor otherwise authorised to make any use of the Complainant's trade mark or to apply for or use the disputed domain name. In addition, the Whois information does not suggest that the Respondent is commonly known by the disputed domain name <novartis-pharm.com>. Past panels have held that a respondent was not commonly known by a disputed domain name if the Whois information was not similar to the disputed domain name, as is equally not the case here (see, for example, Forum Case No. FA 1781783, Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II v. Chad Moston / Elite Media Group <bobsfromsketchers.com> ("Here, the WHOIS information of record identifies Respondent as "Chad Moston / Elite Media Group." The Panel therefore finds under Policy ¶ 4(c)(ii) that Respondent is not commonly known by the disputed domain name under Policy ¶ 4(c)(ii).")).

Neither would use of the disputed domain name to host a parked page comprising commercial links have represented a bona fide offering of goods or services where such links compete with or capitalise on the reputation and goodwill of the complainant's trade mark, or otherwise mislead Internet users (see, for example, Forum Case No. FA 970871, Vance Int'l, Inc. v. Abend <vancesecurity.com>, <vancesecurity.net>, <vancesecurity.org> (concluding that the operation of a pay-per-click website at a confusingly similar domain name does not represent a bona fide offering of goods or services or a legitimate non-commercial or fair use, regardless of whether or not the links resolve to competing or unrelated websites or if the respondent is itself commercially profiting from the click-through fees); and WIPO Case No. D2007-1695, Mayflower Transit LLC v. Domains by Proxy Inc./Yariv Moshe <mayflowermovers.com> ("Respondent's use of a domain name confusingly similar to Complainant's trademark for the purpose of offering sponsored links does not of itself qualify as a bona fide use.")).

Furthermore, the Complainant adduced evidence to show that the disputed domain name has been used for phishing purposes by sending at least two e-mails from e-mail addresses incorporating the disputed domain, purportedly on behalf of "Novartis Pharma BV". The Panel categorially agrees with the established view that the use of a domain name for illegal activity can never confer rights or legitimate interests on a respondent. The Panel follows in this regard an established line of cases: CAC Case No. 101578 <ARLEFOOD.COM> found that "To the contrary, it appears that the Respondent has used the disputed domain name to impersonate the Complainant and fraudulently attempt to obtain payments and sensitive personal information. The use of the disputed domain name in connection with such illegal activities cannot confer rights or legitimate interests on the Respondent"; see also CAC Case No. 102290 <PEPSICOGDV.COM> (carrying out phishing attacks spoofing the Complainant's identity to send fraudulent emails for financial gain); CAC Case No. 103393 <SonyCreativeSoftware.Info> ("the use of a domain name for illegal activity (e.g. phishing) can never confer rights or legitimate interests on a respondent"); WIPO Case No. D2021-2097, Ivax LLC v. Contact Privacy Inc. Customer 0161280011/ Name Redacted <ivaxcorporation.com> ("use of a domain name for illegal activity – including the impersonation of the complainant and other types of fraud – can never confer rights or legitimate interests on a respondent"; and WIPO Case No. D2019-2045, Auchan Holding v. Domains By Proxy, LLC / NAME REDACTED <achats-auchan.com>.

Finally, the Respondent failed to respond to the cease-and-desist letter sent by the Complainant and to demonstrate any rights or legitimate interest in the disputed domain name in response. Against this background, and absent any response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

With regard to the third UDRP element, the Panel considers that the Respondent must clearly have been aware of the Complainant's NOVARTIS name and trade mark because she deliberately used the disputed domain name to send at least two phishing e-mails, seeking to impersonate a company within the Complainant's group. The Panel again follows an established line of cases in finding that registration and use of a domain name for phishing purposes constitutes bad faith. (See, for example: WIPO Case No. D2018-

1815: "Respondent registered the disputed domain name which is nearly identical in appearance to Complainant's distinctive trademark. As the disputed domain name effectively impersonates Complainant, there is no evident ground for Respondent to have selected it, other than for using it to induce Internet users, including email recipients, to confuse the owner/sponsor of a website or the sender of an email with Complainant and its products. Regrettably, it is not uncommon for domain names which closely approximate distinctive trademarks to be used as instruments of fraud or other abuse. Respondent has failed to provide any explanation for its decision to register the disputed domain name, and the Panel is unable to discern or infer any plausible legitimate reason for Respondent to have registered the disputed domain name. These circumstances are sufficient to establish Respondent's registration and use of the disputed domain name in bad faith"). See further: CAC Case No. 101578, where the panel concluded that: "As recognized in previous UDRP decisions, the use of a domain name for purposes other than to host a website may constitute bad faith where, like in the case at hand, the circumstances suggest that the disputed domain name has been used for fraudulent purposes such as the sending of deceptive emails to obtain sensitive or confidential personal information or to solicit payment of fraudulent invoices by the Complainant's actual or prospective customers"). In similar circumstances, previous UDRP panels have also stated that "the use of the disputed domain name in connection with a fraudulent email scheme can only lead to the conclusion that the disputed domain name is being used in bad faith" (see, for example, SAP SE v. Anuoluwapo Akobi, WIPO Case No. D2018-0624).

Furthermore, if the Respondent had carried out Google search for the name NOVARTIS, either alone or in conjunction with the term "pharm", the search results would have yielded immediate and obvious references to the Complainant. It is therefore reasonable to infer in any event that the Respondent either knew, or should have known, that the disputed domain name would be confusingly similar to the Complainant's trade mark and that she registered the disputed domain name in full knowledge of the Complainant's rights. Indeed, it is likely that the disputed domain would not have been registered if it were not for the Complainant's trade mark (see, for example, WIPO Case No D2004-0673 Ferrari Spa v. American Entertainment Group Inc). The website related to the disputed domain name is currently inactive and resolves to a parking page. The Respondent has not demonstrated any activity in respect of the disputed domain name. Indeed, it is difficult to conceive of any plausible actual or contemplated active use of the disputed domain name by the Respondent that would not be illegitimate on the grounds that it would constitute passing off, an infringement of consumer protection legislation, or an infringement of the Complainant's rights under trade mark law under circumstances where the disputed domain name is confusingly similar to the Complainant's trade mark currently used by the latter to promote its goods and services.

The website related to the disputed domain name also, for at least a period of time, resolved to a parking page with commercial links. Based on the decisions of other panels in similar cases, the Panel regards this as an attempt by the Respondent to attract Internet users for commercial gain to its own website based on the Complainant's trade mark, and as further evidence of bad faith (see, for example, WIPO Case No D2018-0497, StudioCanal v. Registration Private, Domains By Proxy, LLC / Sudjam Admin, Sudjam LLC <studiocanalcollection.com> ("In that circumstance, whether the commercial gain from misled Internet users is gained by the Respondent or by the Registrar (or by another third party), it remains that the Respondent controls and cannot (absent some special circumstance) disclaim responsibility for, the content appearing on the website to which the disputed domain name resolve […] so the Panel presumes that the Respondent has allowed the disputed domain name to be used with the intent to attract Internet users for commercial gain, by creating a likelihood of confusion with the Complainant's trademark as to the source, affiliation, or endorsement of the Respondent's website to which the disputed domain name resolves. Accordingly, the Panel finds that the disputed domain name was registered and is being used in bad faith.")).

Finally, as mentioned above, the Respondents failed to respond to the cease-and-desist letter sent by the Complainant, which further supports an inference of bad faith (see, for example, WIPO case No. D2016-1695 International Business Machines Corporation v. Adam Stevenson, Global Domain Services <ibmresearchgroup.com>; and WIPO Case No. D2018-2201 Carrefour v. PERFECT PRIVACY, LLC / Milen Radumilo <supermercadocarrefour.com>).

In the circumstances, the Panel does not need to consider further whether the Respondent's provision of non-existent company details when registering the disputed domain name, or her use of a privacy registration service, constitute yet further evidence of bad faith. Absent any response from the Respondent, or any other information indicating the contrary, the Panel therefore also accepts that the Respondent has registered and is using the disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **novartis-pharm.com**: Transferred

PANELLISTS

Name	**Gregor Kleinknecht LLM MCIArb**

DATE OF PANEL DECISION 2026-01-09