Decision for dispute CAC-UDRP-108082

Case number	CAC-UDRP-108082
Time of filing	2025-10-29 13:56:39
Domain names	novartistrials.com

Case administrator

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

Complainant

Organization	Novartis AG

Complainant representative

Organization	Abion GmbH

Respondent

Organization	Curebase

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 several trademark registrations across various jurisdictions, including the United States of America, where the Respondent is based, inter alia:

- the US trademark "NOVARTIS", No. 2336960, registered since April 4, 2000; and
- the international trademark "NOVARTIS", No. 663765, registered since July 1, 1996 (hereinafter cumulatively referred to as the "Trademark").

The Respondent did not file a Response and thus, did not claim any rights on the disputed domain name.

FACTUAL BACKGROUND

The Complainant belongs to the Novartis Group, 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 it is the holding company of the Novartis Group.

The Complainant has an active presence in the United States, where the Respondent is located, through several associated companies and subsidiaries, such as, among others, Novartis Corporation and Novartis Pharmaceuticals Corporation.

The Complainant owns numerous domain names including <novartis.com> and <novartisclinicaltrials.com>, and has a very active online presence.

The disputed domain name <novartistrials.com> was registered on September 13, 2025.

On September 15 and 18, 2025, the disputed domain name resolved to a website inferring a direct association to the Complainant. The Website prominently displayed the NOVARTIS trademark and allegedly offered under the same to find clinical trials.

On September 18, 2025, the Complainant filed a successful web content takedown request before the Registrar and the Hosting provider regarding the disputed domain name. From September 30, 2025, the disputed domain name has not been resolving to an active website. Further, on September 18, 2025, the Complainant sent a cease-and-desist letter requesting the immediate cessation of use and transfer of the disputed domain name, to which the Respondent did not reply.

On November 12, 2025, the disputed domain name, after having been restored successfully, as it had previously entered the redemption period, was placed under Registrar Lock status and the contact details of the Respondent were confirmed and transmitted by the Registrar to the Center and the Complainant.

PARTIES CONTENTIONS

The Complainant contends that the disputed domain name is confusingly similar to the Trademark.

Furthermore, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. In this regard, the Complainant states that the Respondent is not commonly known by the disputed domain name, that it is not affiliated with nor authorized by the Complainant in any way, that the Complainant does not carry out any activity for, nor has any business with the Respondent, and that neither license nor authorization has been granted to the Respondent to make any use of the Trademark or apply for registration of the disputed domain name by the Complainant.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. It contends that the Respondent must have been aware of the Complainant and its Trademark at the time of registration of the disputed domain name as the Trademark is well-known and that the Respondent's use of the disputed domain name is evidence of bad faith under para. 4(b)(iv) of the Policy, as it intentionally tried to attract users by creating a likelihood of confusion with the Complainant’s trademark as to the source of the website associated to the disputed domain name constitutes evidence of bad faith registration and use.

RESPONDENT:

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

Under paragraph 4(a) of the Policy, the Complainant must prove that each of the following three elements is present:

(i) the disputed domain name is identical or confusingly similar to the Complainant's trademark; and

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

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

1. The Panel accepts that the disputed domain name is confusingly similar to the Trademark as it fully incorporates it. It is well established that a domain name that wholly incorporates a trademark may be confusingly similar to such trademark for purposes of the Policy despite of the addition of other generic or descriptive terms. In the present case, the addition of the word "trials" is clearly connecting the disputed domain name with the Complainant and its ongoing clinical studies and research.

2. Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.

The Respondent does not appear to have operated any bona fide or legitimate business under the disputed domain name and is not making a noncommercial or fair use of the disputed domain name. Instead, the disputed domain name resolves to a website resembling the Complainant that featured multiple sections where users were invited to submit personal and sensitive data, including information related to serious health conditions such as diabetes and cancer. It especially displayed an “AI voice agent” supposed to call back Internet users, after they had provided filed a form with personal information. The look of the Website may have created a misrepresentation that it is officially authorized by the Complainant. This use is confusing the internet user and provides an unfair advantage to the Respondent by capitalising on its Trademark and reputation. This use of the disputed domain name cannot confer rights or legitimate interests on the Respondent.

Consequently, the Panel finds that the Complainant has fulfilled its obligations under paragraph 4(a)(ii) of the Policy. The Respondent did not deny these assertions in any way and therefore failed to prove any rights or legitimate interests in the disputed domain name.

3.1 The Panel is satisfied that the Respondent registered the disputed domain name with full knowledge of the Complainant and its rights in the Trademark as the Trademark is highly distinctive, well-established and very well-known.

3.2 Furthermore, the Panel accepts the Complainant's contentions that the disputed domain name has been used in bad faith under paragraph 4(b)(iv) of the Policy. The Respondent tried to intentionally attract users by creating a likelihood of confusion with the Complainant’s trademark as to the source of the website associated to the disputed domain name. Also, the multiple sections where users were invited to submit personal and sensitive data, including the “AI voice agent” that was supposed to call back Internet users after they had filed a form with personal information, supports the finding of bad faith use, as the Respondent may have engaged in phishing activities.

Not responding to Complainant's cease-and-desist letter and activating MX servers associated with the disputed domain name are also factors supporting the finding of bad faith registration and use of a domain name.

The Panel finds that the Complainant has also established the third element of the Policy successfully.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **novartistrials.com**: Transferred

PANELLISTS

Name	Stefanie Efstathiou LL.M. mult.

DATE OF PANEL DECISION 2026-01-12

Publish the Decision