Decision for dispute CAC-UDRP-108254

Case number	CAC-UDRP-108254
Time of filing	2025-12-17 08:40:24
Domain names	novartisok.vip

Case administrator

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

Complainant

Organization	Novartis AG

Complainant representative

Organization	Abion GmbH

Respondent

Organization	Cloudflare

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 numerous trademarks “NOVARTIS” registered in numerous jurisdictions all over the world, which were registered many years before creation of the disputed domain name, such as but not limited to:

No.	Jurisdiction / system	Mark	Owner	Reg. / App. No.	Registration date	Classes (Nice)
1	International Registration (Madrid), designating China	NOVARTIS	Novartis AG	IR 663765	July 1, 1996	1, 2, 3, 4, 5, 7, 8, 9, 10, 14, 16, 17, 20, 22, 28, 29, 30, 31, 32, 40, 42
2	International Registration (Madrid), designating China	NOVARTIS	Novartis AG	IR 1349878	November 29, 2016	9, 10, 41, 42, 44, 45
3	United States	NOVARTIS	Novartis	Reg. No. 2 336 960	April 4,	1, 5, 9, 10, 29, 30,

			AG	(Serial 75/131,409)	2000	31, 32, 42
4	Singapore	NOVARTIS	Novartis AG	Reg. No. T9607243F	November 30, 1999	Not specified in Complaint
5	European Union	NOVARTIS	Novartis AG	EUTM No. 13393641	March 17, 2015	9, 10
6	India	NOVARTIS	Novartis AG	Reg. No. 3574875	July 17, 2017	10

The Complainant also owns numerous domain names composed of either its “NOVARTIS” mark alone or in combination with other terms.

For example:

<novartis.com> created on April 2, 1996;

<novartispharma.com> created on October 27, 1999.

FACTUAL BACKGROUND

The Complainant is the Swiss-headquartered holding company of the Novartis Group, one of the world’s largest pharmaceutical and healthcare groups focused on innovative prescription medicines supplied to patients globally.

It was formed in 1996 through the merger of Ciba-Geigy and Sandoz and is organised as a Swiss holding company. The Novartis Group describes itself as an innovative medicines company and its products are manufactured and sold in many countries worldwide, including China.

In 2024 the Novartis Group reported net sales of USD 50.3 billion and net income of USD 11.9 billion, its medicines were estimated to reach around 296 million people globally, and it employed about 76 000 full-time equivalent staff as at 31 December 2024.

In China, the Novartis Group operates through associated companies and subsidiaries including Beijing Novartis Pharma Co., Ltd, Novartis Pharmaceutical Technology Zhejiang Co., Ltd, Novartis Pharmaceuticals (HK) Limited, China Novartis Institutes for BioMedical Research Co., Suzhou Novartis Technical Development Co., Ltd and Shanghai Novartis Trading Ltd.

The Complainant uses these domain names to resolve to its official websites through which it informs Internet users and potential consumers about its “NOVARTIS” mark and its related products and services. The Complainant also enjoys a strong presence online via its official social media platforms. Through its Novartis UK social media accounts, the Novartis Group uses the “#NovartisOK” hashtag on its social media posts.

The disputed domain name <novartisok.vip> was registered on April 17, 2025.

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 that the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights within the meaning of paragraph 4(a)(i) of the Policy.

The Complainant has established rights in the “NOVARTIS” trademark through registrations in multiple jurisdictions as already set out. The Panel proceeds on the basis of these registered rights in the “NOVARTIS” trademark.

The first element of the Policy involves a reasoned but relatively straightforward comparison between the Complainant’s trademark and the disputed domain name, carried out on a side-by-side basis, to assess whether the mark is recognisable in the disputed domain name. Where the complainant’s mark is recognisable within the disputed domain name, the threshold test for identity or

confusing similarity is satisfied.

Here, the disputed domain name <novartisok.vip> incorporates the Complainant's "NOVARTIS" trademark in its entirety, together with the additional term "ok".

The "NOVARTIS" trademark is clearly recognisable and is the dominant element of the disputed domain name. The addition of the term "ok" does not prevent a finding of confusing similarity. Where the relevant trademark is recognisable in the disputed domain name, the addition of other terms, whether descriptive, geographical, pejorative, meaningless or otherwise, does not avoid a finding of confusing similarity under the first element. See WIPO Overview 3.0, section 1.8.

The addition of the gTLD ".vip" to the disputed domain name also does not add any distinctiveness to the disputed domain name and will be disregarded for the purposes of considering this ground. See WIPO Overview 3.0, section 1.11.1.

Accordingly, the Panel considers that the first element of paragraph 4(a) of the Policy is made out.

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.

A complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests, after which the burden shifts to the respondent to demonstrate such rights or legitimate interests in the domain name. If the respondent fails to discharge this burden, paragraph 4(a)(ii) of the Policy is satisfied.

Here, the disputed domain name was registered many years after the Complainant had secured its "NOVARTIS" trademark registrations. There is no evidence that the Respondent holds any trademark rights in, or is commonly known by, the disputed domain name.

A search of online trademark databases for "novartisok.vip" and "novartisok" has revealed no corresponding trademark registrations, and the registrant name "Yu Yu" does not correspond to the disputed domain name.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name for several reasons, which the Panel accepts.

First, the Complainant has not granted the Respondent any licence, consent or other authorisation to use the "NOVARTIS" trademark, whether in the disputed domain name or otherwise.

Secondly, there is no indication that the Respondent has used, or made demonstrable preparations to use, the disputed domain name in connection with any bona fide offering of goods or services, or for any legitimate non-commercial or fair purpose. Rather, the disputed domain name is passively held and does not resolve to an active website.

Panels have held that the passive holding of a domain name which incorporates a complainant's mark, without any credible attempt to make legitimate use of it, evidences a lack of rights or legitimate interests.

Further, the structure of the disputed domain name, which incorporates the Complainant's "NOVARTIS" trademark in its entirety together with the term "ok", is apt to suggest an association with the Complainant and its activities.

The Complainant points out that "OK" echoes the hashtag "#NovartisOK" used in its Novartis UK social media communications, so that Internet users encountering the disputed domain name may reasonably assume that it is an official or authorised domain name of the Complainant, which it is not.

A respondent's use of a domain name will not be considered "fair" if it falsely suggests affiliation with the trademark owner, and panels have found that domain names that carry a risk of implied affiliation cannot confer rights or legitimate interests on a respondent. See WIPO Overview 3.0, section 2.5.

The Respondent has also chosen to use a privacy service to mask its identity in the publicly available WHOIS data, and has not come forward with any explanation or evidence of good-faith use or intended use despite receiving a cease-and-desist letter of May 2, 2025 and two reminders on May 12 and 19, 2025, to which no reply was made.

The Respondent has been given an opportunity in this proceeding to present a case for rights or legitimate interests but has failed to do so and has, therefore, not rebutted 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, and that the requirement of paragraph 4(a)(ii) of the Policy is made out.

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown that 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.

Paragraph 4(b) of the Policy sets out a non-exhaustive list of circumstances which, if present, constitute evidence of registration and use of a domain name in bad faith, including where a respondent has intentionally attempted to attract, for commercial gain, Internet users to its online location by creating a likelihood of confusion with the complainant's mark as to source, sponsorship, affiliation, or endorsement.

The evidence shows that the Complainant's "NOVARTIS" trademark is well known, with registrations predating the disputed domain name by many years and protection in numerous jurisdictions including China, where the Respondent appears to be based.

The Complainant also maintains a strong online presence through its official websites and social media channels promoting its "NOVARTIS" mark, products and services, such that a basic Internet search for "Novartis" alone or in combination with "ok" returns results predominantly referring to the Complainant and its business.

The Panel accepts the evidence that "NOVARTIS" is a well-known trademark, which reinforces the conclusion that the Respondent cannot credibly have been unaware of the Complainant and its rights when registering the disputed domain name.

Here, the disputed domain name <novartisok.vip> was registered on April 17, 2025, long after the Complainant's "NOVARTIS" registrations. It incorporates the "NOVARTIS" trademark in its entirety in the second-level portion, followed by the term "OK", which the Complainant uses as part of the hashtag "#NovartisOK" on its Novartis UK social media accounts.

The Panel accepts the Complainant's contention that this structure is chosen to create an association and a likelihood of confusion with the Complainant, so that Internet users may believe the disputed domain name is directly connected with, or authorised by, the Complainant.

The Panel considers that the Respondent would have "had the complainant's trademark in mind" as the disputed domain name not only reproduces a distinctive registered trademark but adds a term apt to describe or refer to the complainant's business activities.

In the Panel's view, the Respondent must have known, or at least should have known, of the Complainant's "NOVARTIS" trademark and business when registering the disputed domain name and chose it to take unfair advantage of that reputation.

The Panel therefore finds that the disputed domain name was registered in bad faith.

As to the requirement of "use in bad faith", the disputed domain name does not resolve to an active website and is being passively held.

The Panel considers that the non-use of a domain name does not prevent a finding of bad faith where, in all the circumstances of the case, it is not possible to conceive of any plausible good-faith use of the domain name.

Relevant factors here include the distinctiveness and reputation of the "NOVARTIS" trademark; the fact that the disputed domain name wholly incorporates that mark together with a term the Complainant itself uses in social media; the absence of any evidence of actual or contemplated good-faith use; and the Respondent's failure to come forward with any explanation.

As already mentioned, the Complainant also sent a cease-and-desist letter to the Respondent followed by reminder letters but received no reply.

The Panel considers that the failure to respond to such correspondence, particularly where the disputed domain name targets a well-known trademark, reinforces an inference of bad faith.

The Respondent has further elected to use a privacy or proxy service to obscure its identity in the public WHOIS records. While privacy services may serve legitimate purposes, their use in conjunction with a disputed domain name that appears to target a well-known trademark is a factor supporting a finding of bad faith, especially where the concealment appears designed to frustrate contact or accountability rather than to protect any genuine interest.

The Respondent has not filed any response in this proceeding and has therefore not rebutted the Complainant's contentions on bad faith registration and use.

In the circumstances, the Panel considers that the Respondent registered and is using the disputed domain name with the intention of exploiting the Complainant's "NOVARTIS" trademark by creating a likelihood of confusion as to source, sponsorship, affiliation or endorsement for its own benefit, even if the precise commercial scheme has not yet been activated.

Accordingly, the Panel finds that the disputed domain name has been registered and is being used in bad faith, and that the requirement of paragraph 4(a)(iii) of the Policy is made out.

PROCEDURAL FACTORS

Language of proceedings request

The Complainant requests that the language of this administrative proceeding be English, notwithstanding that the language of the Registration Agreement for the disputed domain name is Chinese.

Rule 11(a) of the UDRP rules states:

Unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.

In conducting the administrative proceeding, the Panel is required to ensure under Rule 10 of the UDRP rules that the Parties are treated with equality and be given a fair opportunity to present their case.

The Respondent appears to be located in China and the Registration Agreement is in Chinese; however, the disputed domain name <novartisok.vip> is composed entirely in Latin characters and incorporates the English expression "ok" together with the widely understood acronym "vip" (for "very important person").

The choice of a Latin-script domain name containing English terms can be an indicator that a respondent is able to understand and use English, even where the underlying Registration Agreement is in another language. The Panel also notes that English is a common language of international commerce and dispute resolution and represents a reasonable neutral choice in circumstances where the Complainant is based in Switzerland and the Respondent in China.

The Panel considers that requiring the Complainant to translate the Complaint and annexes into Chinese would entail additional time and cost, without any clear corresponding benefit in terms of fairness to the Respondent.

The Respondent has been notified of this proceeding and of the Complainant's request regarding language but has not come forward, has not objected to English, and has not filed any administratively compliant response.

In these circumstances, the Panel is satisfied that proceeding in English will not unfairly prejudice the Respondent and is consistent with the objectives of efficiency and fairness reflected in the Rules.

Accordingly, the Panel determines that the language of this administrative proceeding shall be English.

Notification of proceedings to the Respondent

On January 13, 2026, the CAC by its non-standard communication stated as follows (omitting irrelevant parts):

"Please be aware that the CAC was not able to send the written notice to the Respondent as the address provided by the Registrar in Registrar verification does not exist. The postal service provider was not able to deliver a written notice to such an address.

No other address for correspondence was found on the disputed domain name.

As far as the e-mail notice is concerned, we received a confirmation that the e-mail sent (in both English and Chinese) to 21604314@qq.com was delivered. The e-mail notice sent (in both English and Chinese) to postmaster@novartisok.vip was returned back undelivered as the e-mail address had permanent fatal errors.

No further e-mail address could be found on the disputed site.

The Respondent never accessed the online platform."

Given the reasonable measures employed by CAC as set out in the above non-standard communication, the Panel is satisfied that all procedural requirements under the UDRP were met and that there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

The Complainant owns multiple trademark registrations for the word mark "NOVARTIS" in numerous jurisdictions, including international registrations designating China, as well as other national registrations, and uses "NOVARTIS" as a distinctive identifier of its pharmaceutical and healthcare products and services.

The Respondent registered the disputed domain name <novartisok.vip> on April 17, 2025, well after the Complainant had established its rights in the "NOVARTIS" trademark.

The Complainant challenges the registration of the disputed domain name under paragraph 4(a) of the Uniform Domain Name Dispute Resolution Policy, seeking transfer of the disputed domain name.

The Respondent has failed to file any administratively compliant response and has therefore not contested the Complainant's factual and legal contentions.

For the reasons articulated in the Panel's findings above, the Panel is satisfied that:

- The disputed domain name is confusingly similar to the Complainant's "NOVARTIS" trademark.
- The Respondent has no rights or legitimate interests in respect of the disputed domain name.
- The disputed domain name has been registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **novartisok.vip**: Transferred

PANELLISTS

Name	**William Lye OAM KC**

DATE OF PANEL DECISION 2026-01-14

Publish the Decision