Decision for dispute CAC-UDRP-108188

Case number	CAC-UDRP-108188
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Domain names	novartis1.kids

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Novartis AG

Complainant representative

Organization	Abion GmbH

Respondent

Name	xu yao xu yao

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 has provided evidence of its ownership of registered trademark rights in the trademark NOVARTIS registered in numerous jurisdictions:

- The international trademark No. 663765, registered on July 1, 1996, designating China, in classes 1, 2, 3, 4, 5, 7, 8, 9, 10, 14, 16, 17, 20, 22, 28, 29, 30, 31, 32, 40, 42;
- The international trademark No. 1349878, registered on November 29, 2016, designating China, in classes 9, 10, 41, 42, 44 and 45;
- The European Union trademark No. 000304857, registered on June 25, 1999, in classes 1, 5, 9, 10, 29, 30, 31 and 32;
- The United States trademark No. 2336960, registered on April 4, 2000, in classes 1, 5, 9, 10, 29, 30, 31, 32 and 42.

The trademarks are still valid at present and their registration dates predate the registration date of the disputed domain name, <novartis1.kids>, registered on September 30, 2025.

The Complainant also owns numerous domain names, including <novartis.com>, created on April 2, 1996 and <novartispharma.com>, created on October 27, 1999.

FACTUAL BACKGROUND

A. Complainant's Factual Allegations

The Complainant, with headquarters in Switzerland, was created in 1996 through a merger of two other companies Ciba-Geigy and Sandoz, and is the holding company of the Novartis Group, which is one of the biggest global pharmaceutical and healthcare groups. In 2024, the Novartis Group achieved net sales of USD 50.3 billion, and total net income amounted to USD 11.9 billion and employed approximately 76000 full time equivalent employees as of December 31, 2024. Its medicines reach 296 million people worldwide, including children.

B. Respondent's Factual Allegations

The Respondent has defaulted in this UDRP administrative proceeding and has consequently made no factual allegations. The Respondent is xu yao xu yao, based at the address of Sichuan cheng du shi jin jiang qu chun xi lu 158 hao, China, Postcode 610000. The disputed domain name was registered on September 30, 2025 by the Respondent, as confirmed by the Registrar. At the time of filing of the Complaint, the disputed domain name resolved to an error page.

PARTIES CONTENTIONS

A. COMPLAINANT

Language of the Proceedings

The Complaint is written in English. According to the registrar's verification response, the language of the registration agreement for the disputed domain name is Chinese. The Complainant submitted a request for English to be the language of this administrative proceeding on the following grounds: i) the fact that the Respondent registered the disputed domain name in Latin alphabet shows that the Respondent understands English; ii) the English language being commonly used internationally, it is fair to the Parties that the language be English; iii) a translation of the Complaint into Chinese will entail significant additional costs for the Complainant and delay in the proceedings.

The Complainant's contentions can be summarized as follows:

I. The disputed domain name is identical or confusingly similar to a trade mark in which the Complainant has rights

The Complainant contends that it is the owner of the registered trademark NOVARTIS in numerous jurisdictions all over the world as mentioned above in the IDENTIFICATION OF RIGHTS, which were registered many years before the creation of the disputed domain name. The disputed domain name is confusingly similar to its registered trademark. It contains the Complainant’s well-known trademark NOVARTIS in its entirety. The addition of the number “1” would not prevent a finding of confusing similarity to the trademark. The Complainant also cites WIPO Overview 3.0, paragraph 1.8 to support its contention.

II. The Respondent has no rights or legitimate interests in respect of the disputed domain name

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name on the grounds: i) the Complainant has never granted the Respondent with any rights to use NOVARTIS trademark in any form; ii) there is no evidence showing that the Respondent is known by the dispute domain name or owns any corresponding registered trademarks; iii) there is no evidence showing that the Respondent has been using, or preparing to use, the disputed domain name in connection with a bona fide offering of goods and services or has made a legitimate non-commercial or fair use of the disputed domain name; iv) the Respondent has opportunity to argue for its rights or legitimate interests in the disputed domain name, but it has failed to do so.

III. The Respondent registered and is using the disputed domain name in bad faith

Registration in bad faith

The Complainant submits that the Respondent registered the disputed domain name in bad faith on the grounds: i) its trademark registration dates significantly predate the registration date of the disputed domain name; ii) the Novartis Group has a strong presence online and has an active business presence in China, where the Registrant is based. By a simple online search, the Respondent would have inevitably learnt about the Complainant, its trademark and business; iii) NOVARTIS trademark is well known. It is therefore inconceivable that the Respondent was unaware of the existence of the Complainant when it registered the disputed domain name; iv) the disputed domain name incorporates the Complainant’s well-known trademark NOVARTIS in its entirety with the gTLD “.kids”, which refers to children, a category of patients the Novartis Group elaborates medicines for. It reflects the Respondent’s clear intention to create an association, and a subsequent likelihood of confusion, with the Complainant’s trademark.

Use in bad faith

The Complainant submits that the disputed domain name is being used in bad faith on the grounds that the disputed domain name has been passively held. Several factual considerations are clear indicators of bad faith use under the passive holding doctrine: i) the disputed domain name incorporates the Complainant’s well-known trademark NOVARTIS in its entirety; ii) the disputed domain name does not resolve to an active website and there is therefore no evidence of any actual or contemplated good-faith use of the disputed domain name; iii) the Complainant also sent a cease-and-desist letter to the Respondent informing of the Complainant’s

rights, to which the Respondent did not reply; iv) the Respondent is trying to conceal its identity regarding the ownership of the disputed domain name.

The Complainant contends that the requirements of the Policy have been met and that the disputed domain names should be transferred to it.

B. 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 language of the registration agreement is Chinese. The Complainant has requested that the language of the proceedings be English. The Respondent did not respond to the issue of the language of the proceedings and did not reject the Complainant's request. The Panel is given discretion under Paragraph 11 of the Rules to determine the appropriate language of the administrative proceeding. Paragraph 10 of the Rules mentions that the Panel shall ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case. Based on the following factors, the Panel has decided that it would be fair and equitable to both parties to have the language of the proceedings be English:

- The Complaint was written in English, an international language comprehensible to a wide range of internet users worldwide, including those living in Switzerland and in China;
- While determining the language of the administrative proceeding, the Panel has a duty to consider who would suffer the greatest inconvenience as a result of the Panel's determination. On the one hand, the determination of English as the language of this administrative proceeding – a widely spoken language – is unlikely to cause the Respondent any inconvenience. The determination of Chinese as the language of this administrative proceeding, on the other hand, is very likely to cause the Complainant inconvenience, and to interfere with the overall due expedition of the proceedings under the Rules. See Case of CAC-UDRP-106643, Burberry Limited v Fei Cheng;
- The Complainant has requested that the language of the proceedings be English. The Respondent did not respond to reject the Complainant's request.

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

Paragraph 4(a) of the Policy provides that in order to be entitled to a transfer of the disputed domain name, the Complainant shall prove the following three elements:

(i) The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

(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.

Based on the above regulations under the Policy, what the Panel needs to do is to find out whether each and all of the above-mentioned elements are established. If all three elements are established, the Panel will make a decision in favor of the Complainant. If the three elements are not established, the claims by the Complainant shall be rejected.

The Respondent did not submit a Response of any argument against what the Complainant claimed and to show his intention to retain the disputed domain name as required by the Policy and the Rules. If the Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint. In view of the situation, the Panel cannot help but make the decision based primarily upon the contentions and the accompanying exhibits by the Complainant, except where there is an exhibit proving to the contrary.

I. Identity or Confusing Similarity

Pursuant to Paragraph 4(a) (i) of the Policy, a Complainant must prove that the disputed domain name is identical with or confusingly similar to a trademark or service mark in which the Complainant has rights.

A. Complainant has rights in a trademark or service mark

The Complainant has provided evidence of ownership of valid trademark registrations for the trademark NOVARTIS, registered in 1996, 1999, 2000 and 2016 in numerous countries and classes as mentioned above in the IDENTIFICATION OF RIGHTS. The trademarks are still valid and their registration dates significantly predate the registration date of the disputed domain name, i.e. September 30, 2025. The Complainant therefore has rights in the trademark NOVARTIS.

B. The disputed domain name should be identical or confusingly similar to the trademark or service mark

The disputed domain name incorporates the Complainant's trade mark NOVARTIS in its entirety with number “1”. WIPO Overview 3.0, paragraph 1.7 mentions: “In cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing”.

WIPO Overview 3.0, paragraph 1.8 mentions: “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”.

Based on the above paragraphs 1.7 and 1.8, the addition of the number “1” would not prevent a finding of confusing similarity to the trademark NOVARTIS. See WIPO case D2021 1401, <1geico.com>, Government Employees Insurance Company v. Domain Admin, Whois Privacy Corp. : “The addition of a number to a trademark does not prevent the confusing similarity that exists between the disputed domain name and the Complainant’s trademark”.

As to the generic Top Level Domain “.kids”, it is viewed as a standard registration requirement and as such can be disregarded for the purpose of assessing identity or confusing similarity. See WIPO Overview 3.0, paragraph 1.11.1.

Therefore, the Panel finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights according to paragraph 4(a)(i) of the Policy. Accordingly, the Complainant has proven that the first element required by paragraph 4(a) of the Policy is established.

II. Rights or Legitimate Interests of the Respondent

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name on the grounds: i) the Complainant has never granted the Respondent with any rights to use NOVARTIS trademark; ii) there is no evidence showing that the Respondent is known by the disputed domain name or owns any corresponding registered trademarks; iii) there is no evidence showing that the Respondent has been using, or preparing to use, the disputed domain name in connection with a bona fide offering of goods and services or has made a legitimate non-commercial or fair use of the disputed domain name; iv) the Respondent has opportunity to argue for its rights or legitimate interests in the disputed domain name, but it has failed to do so.

Once the 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 disputed domain name. If the Respondent fails to come forward with such relevant evidence, the Complainant is deemed to have satisfied the second element. See WIPO Overview 3.0, paragraph 2.1.

Paragraph 4(c) of the Policy lists a number of circumstances which can be taken to demonstrate a respondent’s rights or legitimate interests in a domain name. However, the Respondent has failed to meet that burden. The Respondent did not submit any evidence to demonstrate any of the above circumstances.

Therefore, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name. Accordingly, the Complainant has proven that the second element required by paragraph 4(a) of the Policy is established.

III. Bad Faith

Paragraph 4(a) (iii) of the Policy provides that the disputed domain name has been registered and is being used in bad faith.

A. The disputed domain name has been registered in bad faith

The Panel finds that the Respondent had knowledge of the Complainant's trademark at the time of registration of the disputed domain name, considering the following circumstances:

- WIPO Overview 3.0, paragraph 3.2.2. mentions: "Noting the near instantaneous and global reach of the Internet and search engines, and particularly in circumstances where the complainant's mark is widely known (including in its sector) or highly specific and a respondent cannot credibly claim to have been unaware of the mark (particularly in the case of domainers), panels have been prepared to infer that the respondent knew, or have found that the respondent should have known, that its registration would be identical or confusingly similar to a complainant's mark". The Panel believes that before the registration of the disputed domain name, the Respondent had made searches for the wording NOVARTIS and knew it was the trademark of the Complainant;

- The Complainant claims that the NOVARTIS trademark is well-known and registered in numerous jurisdictions all over the world, including China. It enjoys a strong online presence and is very active on social media to promote its brand, products, and services. Previous UDRP Panels have recognized that the NOVARTIS trademark is well-known. See WIPO Case D2020-3203, <novartisro.com>, Novartis AG v. Amartya Sinha, Global Webs Link, Novartis RO;

- The Complainant has an active business presence in China, where the Registrant is based. Its products are manufactured and sold in China through its associated companies and subsidiaries in China;
- The disputed domain name incorporates the Complainant's well-known trademark NOVARTIS in its entirety, followed by the gTLD ".kids", which refers to children, a category of patients the Novartis Group elaborates medicines for. It reflects the Respondent's clear intention to create an association, and a subsequent likelihood of confusion, with the Complainant's trademark.

In view of the above circumstances, the Panel holds that the Respondent had knowledge of the Complainant's trademark at the time of registration of the disputed domain name. As the disputed domain name would cause confusion to internet users as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location, it should have avoided the registration, which is considered good faith, rather it registered the disputed domain name. The Respondent deliberately sought to cause such confusion. Accordingly, the Panel finds that the disputed domain name has been registered in bad faith.

B. The disputed domain name is being used in bad faith

The disputed domain name has been passively held. WIPO Overview 3.0, paragraph 3.3 mentions: "From the inception of the UDRP, panelists have found that the non-use of a domain name (including a blank or 'coming soon' page) would not prevent a finding of bad faith under the doctrine of passive holding. While panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put". See WIPO Case D2017-0246, "Dr. Martens" International Trading GmbH and "Dr. Maertens" Marketing GmbH v. Godaddy.com, Inc. See WIPO Case D2000-0003, Telstra Corporation Limited v. Nuclear Marshmallows.

In this case, the Panel is convinced that the overall circumstances of this case strongly suggest that the Respondent's non-use of the disputed domain name is in bad faith. Such circumstances include all the above four circumstances, which were mentioned in the Complainant's contention to support its argument that the disputed domain name is being used in bad faith. Furthermore, the Complainant also sent a cease-and-desist letter to the Respondent informing them of the Complainant's rights, to which the Respondent did not reply.

Regarding the Complainant's contention on bad faith, the Respondent should rebut it, but it did not make any response, which strengthened the Panel's findings on its bad faith.

In view of all the above, the Panel finds that the disputed domain name has been registered and is being used in bad faith according to paragraph 4(a) (iii) of the Policy. Therefore, the Complainant has proven that the third element required by paragraph 4(a) of the Policy is established.

Decision

For all the foregoing reasons, in accordance with paragraph 4(a) of the Policy and Rule 15 of the Rules, the Panel orders that the disputed domain name <novartis1.kids> be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **novartis1.kids**: Transferred

PANELLISTS

Name	Yunze Lian

DATE OF PANEL DECISION 2026-01-17

Publish the Decision