Decision for dispute CAC-UDRP-108255

Case number	CAC-UDRP-108255
Time of filing	2025-12-18 09:42:17
Domain names	novartis-worldwide.com

Case administrator

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

Complainant

Organization	Novartis AG

Complainant representative

Organization	Abion GmbH

Respondent

Name	John Doe

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 submitted evidence that it is the owner of the following trademarks:

- The international wordmark “NOVARTIS”, registration number 663765, registered on **July 1, 1996**, in classes 1, 2, 3, 4, 5, 7, 8, 9, 10, 14, 16, 17, 20, 22, 28, 29, 30, 31, 32, 40 and 42;
- The international wordmark “NOVARTIS”, registration number 1349878, registered on **November 29, 2016**, in classes 9, 10, 41, 42, 44 and 45;
- The United States trademark “NOVARTIS”, registration number 2336960, registered on **April 4, 2000**, in class 5;
- The United States trademark “NOVARTIS” registration number 2997235, registered on **September 20, 2005,** in class 5;

- The European Union wordmark NOVARTIS No. 13393641, registered on **March 17, 2015,** in classes 9 and 10.

Hereinafter the "**Trademarks**".

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant is one of the biggest pharmaceutical and healthcare groups of the world. The Complainant's products are manufactured and sold in many countries worldwide. The Complainant also states it has an active presence in several countries worldwide, including the United States.

The Complainant provided evidence that it is the registered owner of the Trademarks and several domain names that include the term "NOVARTIS" such as <novartis.com> since April 2, 1996, and <novartispharma.com> since October 27, 1999.

The disputed domain name <novartis-worldwide.com> was registered on September 10, 2025.

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

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

Confusing similarity

The disputed domain name <novartis-worldwide.com> consists of the Complainant's Trademark "NOVARTIS" with the addition of a hyphen and the word element "WORLDWIDE".

The Panel notes that the disputed domain name incorporates the Complainant's "NOVARTIS" Trademark entirely.

The Panel is of the opinion that the addition of the hyphen and the word element "WORLDWIDE" does not prevent a finding of confusing similarity under the first element of paragraph 4(a) of the Policy, since this word element is purely descriptive for the global business activities of the Complainant. The addition of such descriptive terms does not prevent a finding of confusing similarity to the Complainant's Trademark.

It is well-established that the gTLD ".com" may be disregarded when it comes to considering whether a domain name is confusingly similar to a trademark in which the Complainant has rights.

For these reasons, the Panel concludes that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights within the meaning of paragraph 4(a)(i) of the Policy.

Rights or legitimate interests

As regards paragraph 4(a)(ii) of the Policy, while the overall burden of proof rests with the Complainant, it is commonly accepted that this should not result in an often-impossible task of proving a negative. Therefore, numerous previous panels have found that the Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests. Once such a prima facie case is made, the burden of production shifts to the Respondent to come forward with appropriate allegations or evidence demonstrating rights or legitimate interests in the disputed domain name. If the Respondent fails to come forward with such appropriate allegations or evidence, the Complainant is generally deemed to have satisfied paragraph 4(a)(ii) of the Policy. If the Respondent does come forward with some allegations or evidence of relevant rights or legitimate interests, the panel then must weigh all the evidence, with the burden of proof always remaining on the Complainant.

The Complainant argues that:

- The Respondent was not authorised to use the Complainant's Trademark in the disputed domain name or in any other way.
- The Respondent is not commonly known by the disputed domain name.
- A search for any trademarks incorporating the terms "novartis-worldwide.com", "novartis-worldwide" or "novartis worldwide" do not result in any registered trademarks.
- The name provided for the Respondent, "John Doe", is a commonly used placeholder and does not permit identification of a specific individual.
- The remaining contact details do not appear to provide reliable or verifiable registrant information, including a telephone number from a non-assigned numbering range, a proxy-style e-mail address, and a generic postal address.
- The disputed domain name is not being used in connection with a bona fide offering of goods or services.
- The structure of the disputed domain name – incorporating the Complainant's Trademark "NOVARTIS" entirely, followed by terms "WORLDWIDE" - reflects the Respondent's intention to create an association, and a subsequent likelihood of confusion, in Internet users' minds.
- The disputed domain name is being passively held and does not resolve to an active website.
- The Complainant sent a cease-and-desist letter to the registrant of the disputed domain name, but no response was received from the Respondent.

The Respondent did not file an administratively compliant (or any) response. The Respondent did not provide evidence that he has rights or legitimate interests in the disputed domain name.

The Panel finds that the Respondent does not appear to have any rights or legitimate interests in the disputed domain name from the following facts:

- There is no evidence that the Respondent is or has been commonly known by the disputed domain name or by the term "NOVARTIS" (alone or in combination with the term "WORLDWIDE"). The Respondent did not show to have any trademark rights

or other rights regarding the term “NOVARTIS” (alone or in combination with the term “NOVARTIS”).
- The Complainant’s Trademarks were registered and have been used well before the registration date of the disputed domain name.
- There is no evidence that shows that the Respondent is making a legitimate non-commercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers.
- The Respondent does not seem to have any consent or authorisation to use the Trademarks of the Complainant and does not seem to be related in any way to the Complainant.

In sum, on the balance of probabilities, and in the absence of any evidence to the contrary or any administratively compliant response being put forward by the Respondent, the Panel finds that the Complainant has made a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Panel concludes that the Respondent does not have rights or legitimate interests in the disputed domain name.

Bad faith

The Complainant argues that the disputed domain name was **registered** in bad faith based on the following grounds:

- Trademark precedence and reputation: The disputed domain name was registered many years after the Complainant’s well-known “NOVARTIS” Trademarks were established and protected internationally. The Complainant has a significant global presence online and through social media.

- No authorisation: The Respondent was never licensed or authorised to register a domain name incorporating the “NOVARTIS” Trademark.
- Inescapable awareness: Given the global fame of the “NOVARTIS” Trademark, a basic online search would have made the Complainant’s Trademark and business immediately visible. It is implausible that the Respondent was unaware of it.

- Deliberate construction to mislead: The disputed domain name contains the “NOVARTIS” Trademark combined with the generic or descriptive term “WORLDWIDE,” clearly referencing the Complainant. This structure is likely intended to confuse Internet users into believing the disputed domain name is affiliated with the Complainant.

The Complainant further asserts that the Respondent is also **using** the disputed domain name in bad faith, with the following supporting points:

- Intention to mislead for commercial gain: The structure of the disputed domain name creates a high risk of confusion with the Complainant’s Trademarks, misleading users into thinking there is a connection between the disputed domain name and the Complainant.

- Passive Holding Doctrine: Though the disputed domain name does not lead to an active website, prior UDRP decisions confirm that even inactive (or “passively held”) domains can demonstrate bad faith, especially when:

- The trademark is highly distinctive: in this case, the Complainant’s Trademarks are well-known and are entirely comprised in the disputed domain name.

- The Respondent provides no Response or no evidence of good-faith use: in this case, the Complainant sent out a cease-and-desist letter, but the Respondent failed to reply or justify any good faith use of the disputed domain name.
- The Respondent tries to conceal its identity or contact details appear false: in this case, the Respondent uses a privacy shield and provided false contact details.
- There is no plausible good faith use of the domain name: in this case, active MX records show the disputed domain name could be used to send e-mails, potentially impersonating the Complainant to commit fraud or phishing.

The Panel weighs these arguments and facts as follows:

- As mentioned already, the disputed domain name reproduces the Complainant's Trademarks "NOVARTIS" entirely, with the addition of the descriptive word “WORLDWIDE”. As mentioned above, this clearly refers to the Complainant and causes (or risks to cause) confusion among the public.
- The Complainant’s Trademarks and domain names predate the registration of the disputed domain name by several years. The Panel points to the fact that the Complainant has trademark rights to the term “NOVARTIS” for pharmaceutical products and services in the home country of the Respondent (i.e. the United States) and in various other countries around the globe. The terms selected by the Respondent (“NOVARTIS”, in combination with “WORLDWIDE”) seem only selected for their similarity to the Complainant’s registered “NOVARTIS” Trademark(s) and business.

- It is inconceivable that the Respondent would have come up with a domain name consisting of the term “NOVARTIS” in

combination with the term “WORLDWIDE” without having prior knowledge of the Complainant, its Trademarks and its activities. On the balance of probabilities, it seems evident that the Respondent had actual knowledge of the existence of the Complainant and its activities, and of the Complainant's Trademarks and the scope of the Trademarks at the time of registration and use of the disputed domain name. The Panel is convinced that the Respondent had the Trademark(s) of the Complainant in mind when registering and using the disputed domain name.

- The Respondent apparently intends to create an association with the Complainant through the disputed domain name. This cannot be seen as a bona fide offering of goods.
- The Respondent did not contest any of the Complainant’s arguments and did not provide any explanation concerning its choice for registering and/or using domain name that include the Complainant’s registered Trademarks in combination with a merely descriptive word element.
- The Respondent did not react to the cease-and-desist letter of the Complainant.

For all the reasons set out above, the Panel concludes that the disputed domain name was registered and is being used in bad faith within the meaning of 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. **novartis-worldwide.com**: Transferred

PANELLISTS

Name	**Bart Van Besien**

DATE OF PANEL DECISION 2026-01-22

Publish the Decision