Decision for dispute CAC-UDRP-108335

Case number	CAC-UDRP-108335
Time of filing	2026-01-20 08:29:43
Domain names	novartiscne.com

Case administrator

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

Complainant

Organization	Novartis AG

Complainant representative

Organization	Abion GmbH

Respondent

Name	Shawn Manamela

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

Amongst many other trademarks, the Complainant is the proprietor of the International Trademark registration NOVARTIS 663765 registered on July 1, 1996 in several classes and designated for numerous countries, and being in effect.

FACTUAL BACKGROUND

The Complainant is the proprietor of the NOVARTIS trademarks registered as a word and figurative mark in several classes across numerous countries all over the world. The Complainant based in Switzerland is the holding company of the Novartis Group, a global healthcare company that provides solutions to address the evolving needs of patients worldwide. The Complainant's products are sold in numerous countries, among them South Africa. 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 75 883 full-time equivalent employees as of December 31, 2024.

The disputed domain name has been registered on June 17, 2025 and does not resolve to an active website. Registrant´s name was initially redacted for privacy.

The addition of the term "CNE" is an abbreviation of the mention "cationic nanoemulsion" which is a term having relevance in the

area of RNA Vaccines.

A cease and desist letter sent to the Respondent was not answered.

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 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

In order to succeed in its claim, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied:

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

(ii) The Respondent has no rights or legitimate interests with respect to the disputed domain name; and

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

A. Identical or Confusingly Similar

The Complainant has established the fact that it has valid trademark rights for “NOVARTIS”.

The disputed domain names differ in its second level domains only by the descriptive element „CNE“ at the end of the disputed domain name which has no relevant influence on the distinctiveness of the other element „Novartis“ fully incorporated in the disputed domain name, and accordingly on the high similarity of the disputed domain names with Complainant´s mark.

The Panel therefore considers the disputed domain names to be confusingly similar to the trademark NOVARTIS in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Respondent has no rights or legitimate interests in the disputed domain names, since the Respondent is not a licensee of the Complainant nor has the Complainant granted any permission or consent to the Respondent to use its trademarks or designations confusingly similar to its trademarks. Furthermore, the Respondent has no rights or legitimate interests in the disputed domain names, since there is no indication that the Respondent is commonly known by the name “NOVARTISCNE” or that the Respondent is using the disputed domain names in connection with a bona fide offering of goods or services.

The Panel therefore finds that the Respondent does not have rights or legitimate interests in the disputed domain names.

C. Registered and Used in Bad Faith

The panel follows the assessment of the Panel in the WIPO Case Novartis AG v. Domain Admin, Privacy Protection Service INC d/b/a PrivacyProtect.org, / Sergei Lir Case No. D2016-1688 that “NOVARTIS"” is a well- known mark. Accordingly, the Respondent must have been aware of the Complainant and its trademarks when registering the disputed domain names. The Complainant has not authorized the Respondent to make use of a designation which is highly similar to its marks. This Panel does not see any conceivable legitimate use that could be made by the Respondent of these particular domain names without the Complainant’s authorization.

Furthermore, it is the consensus view of Panels (following the decision Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003, <telstra.org>) that the apparent lack of active use of the domain name without any active attempt to sell or to contact the trademark holder (passive holding), does not as such prevent a finding of bad faith. Examples of what may be cumulative circumstances found to be indicative of bad faith include that no response to the complaint has been filed and the registrant's concealment of its identity and the implausibility of any good faith use to which the domain name may be put. Such circumstances are also given in the present case.

The circumstances of this case indicate that the Respondent registered and uses the disputed domain name primarily with the intention of attempting to attract, for commercial gain, Internet users to its potential website or other online locations, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of such website or location, or of a product or service on such website or location. The Panel therefore considers the disputed domain name to have been registered and used in bad faith in accordance with 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. **novartiscne.com**: Transferred

PANELLISTS

Name	**Dietrich Beier**

DATE OF PANEL DECISION 2026-02-23

Publish the Decision