Decision for dispute CAC-UDRP-108346

Case number	CAC-UDRP-108346
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Domain names	jobnovartis.com, jobnovartisvietnam.com, novartisvietnam.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Novartis AG

Complainant representative

Organization	Abion GmbH

Respondent

Organization	Domain Service, PHAM VAN THAI

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 names.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of several trademarks for NOVARTIS. In particular, Novartis AG owns:

- International registration No. 663765 registered on July 1, 1996, and duly renewed for goods and services in classes 1, 2, 3, 4, 5, 7, 8, 9, 10, 14, 16, 17, 20, 22, 28, 29, 30, 31, 32, 40 and 42 designating different countries including Vietnam;

- International registration No. 1349878 registered on November 29, 2016, for goods and services in classes 9, 10, 41, 42, 44 and 45 designating different countries including Vietnam;

- US trademark No. 2336960 registered on April 4, 2000, and duly renewed for goods and services in classes 1, 5, 9, 10, 29, 30, 31, 32 and 42;

- EU trademark No. 13393641 registered on March 17, 2015 and duly renewed for goods in classes 9 and 10;

FACTUAL BACKGROUND

The Complainant, created in 1996 through a merger of two other companies, Ciba-Geigy and Sandoz, is the holding company of the Novartis Group. 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 Complainant informs that its products are manufactured and sold in many countries worldwide, including in Vietnam, where it has an active presence through its associated company Novartis Vietnam Company Limited. The Complainant has also proven to have trademark rights to the term NOVARTIS in many countries, including Vietnam.

The Complainant trademark registrations predate the registration of the disputed domain names <jobnovartis.com>, <jobnovartisvietnam.com> and <novartisvietnam.com> which were all registered on December 2, 2025.

According to the Complainant, the domain names in dispute are similar to its NOVARTIS trademark since all of them incorporate the well-known distinctive trademark NOVARTIS in its entirety combined with generic and/or geographical terms.

The Complainant has not found that the Respondent is known by the disputed domain names terms. Indeed, when searching for “jobnovartis”, “job novartis”, “jobnovartisvietnam.com”, “jobnovartisvietnam”, “job novartis vietnam”, “novartisvietnam.com”, “novartisvietnam” or “novartis vietnam”, no information is found in relation to trademarks corresponding to the aforementioned terms. The Complainant argues that the Complainant trademarks predate the registration of the domain names in dispute and that the Respondent has never been authorized by the Complainant to register the domain names.

In the Complainant's view, the structure of the disputed domain names in and of itself reflects the Respondent’s intention to create an association, and a subsequent likelihood of confusion, with the Complainant's "NOVARTIS" trademark and the Novartis group in Internet users’ mind, as by reading the disputed domain names, Internet users may believe that they are directly connected to or authorized by the Complainant.

Furthermore, the Complainant notes that the disputed domain names are being passively held, meaning that they do not resolve to active websites. This circumstance demonstrates that there is no evidence showing that the Respondent has been using, or preparing to use, the disputed domain names in connection with a bona fide offering of goods and services or has made a legitimate noncommercial or fair use of the disputed domain names

The Complainant insists that the circumstances of the case may indeed be such that it is not possible to conceive of any plausible actual or contemplated active use of the domain name by the Respondent that would not be illegitimate, such as by being a passing off, an infringement of consumer protection legislation, or an infringement of the Complainant’s rights under trademark law.

Finally, the Complainant informs that different attempts to contact the Respondent were made through cease-and-desist letters sent to the Registrant of the disputed domain names and that it has never received any response. Finally, Complainant notes that the Respondent has been using privacy shield to conceal its identity.

PARTIES CONTENTIONS

The Complainant´s contentions are summarized above.

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names are 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 names (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 names have been registered and are being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

In the case at hand the Complaint relates to three domain names:

- <jobnovartis.com>;

- <jobnovartisvietnam.com>;

- <novartisvietnam.com>.

According to Article 3(c) of the Rules for Uniform Domain Name Dispute Resolution Policy ("Rules"), the Complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder. In the present case the Registrar Verification has confirmed that all the domain names in dispute are registered in the name of Domain Service, PHAM VAN THAI. Therefore, the Panel does not see any obstacles in rendering a decision in the present case even if the Complaint relates to more than one domain name.

PRINCIPAL REASONS FOR THE DECISION

Paragraph 4(a) of the Policy provides that to obtain the transfer of the disputed domain name, the Complainant must prove that each of the following elements is present:

(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.

1.a) <novartisvietnam> - The disputed domain name fully includes the Complainant's trademark. Also, it is added to the word "NOVARTIS" the word "VIETNAM". In this respect the Panel notes that many previous panels under the Policy have found that a geographic identifier in a domain name (as in the disputed domain name <novartisvietnam.com>) does not alter the finding of similarity between the domain name in dispute and the previous registered trademark (Six Continents Hotels, Inc. v. Sdf fdgg, WIPO Case No. D2004-0384 and Credit Agricole SA v. Frederik Hermansen, CAC Case No. 101249).

1.b) <jobnovartis.com> - The disputed domain name is comprised of the Complainant’s well-known trademark "NOVARTIS" with the term "JOB". Essentially, the Respondent has appropriated the trademark "NOVARTIS" by adding the generic term "JOB" to presumably lead consumers to believe that it is affiliated with the Complainant, its business and career opportunities. Previous UDRP panels have found that the fact that a domain name wholly incorporates a complainant’s registered mark is sufficient to establish identity or confusing similarity for the purposes of the Policy (see, e.g., Oki Data Americas Inc. v ASD, Inc., WIPO Case No. D2001-0903).

1.c) <jobnovartisvietnam.com> - The disputed domain name fully includes the trademark "NOVARTIS" preceded by the word "JOB" and followed by the word "VIETNAM". In observing the structure of said domain name it is obvious that the elements "JOB" and "VIETNAM" clearly and unambiguously refer to the Complainant well-known trademark and company name. Actually, the above terms merely indicate that the company Novartis is offering employment in Vietnam. Hence the similarities between the NOVARTIS trademark and the disputed domain name are striking (see, e.g., Novartis AG v Sandoz Pharmaceutical, CAC Case No. 105705).

Now, considering that the generic Top-Level Domain “.com” is obviously a mere standard registration requirement and should be disregarded when assessing whether a disputed domain name is confusingly similar to the trademark in which the Complainant has rights, the Panel's view is that the Complainant has shown that the domain names in dispute are confusingly similar to the trademark "NOVARTIS" in which the Complainant has rights. The Complainant, therefore, succeeds on the first element of the Policy.

2) Pursuant to paragraph 4(a)(ii) of the Policy, a complainant must make out a prima facie case that a respondent lacks rights or legitimate interests in the disputed domain name(s). Once such a prima facie case is made, the respondent carries the burden of demonstrating its rights or legitimate interests in the disputed domain name(s). If the respondent fails to do so, the complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy. In this case, the Panel finds that the Complainant’s submitted evidence and allegations are sufficient to establish a prima facie case of the Respondent’s lack of rights and legitimate interests in the disputed domain names, also considering the fact that the Respondent had the chance to justify the registration and use of the disputed domain names, but failed to do so. According to the information provided by the Complainant and not contested, the

Respondent is not commonly known by the disputed domain names nor authorized to use the Complainant's trademark "NOVARTIS".

For these reasons, the Panel takes the view that the Respondent lacks rights or legitimate interests in the disputed domain names for the purpose of the second element of the Policy.

3) The disputed domain names were registered by the Respondent on December 2, 2025, almost 30 years after the mark "NOVARTIS" was registered with WIPO by the Complainant for the first time. The Complainant has used the "NOVARTIS" trademark worldwide and so intensively that it is impossible to believe that Respondent had no knowledge of the Complainant's trademark rights at the time of registration of the disputed domain names. Furthermore, given the distinctive trademark at stake, which has a very high degree of recognition on a worldwide basis, it is inconceivable that the disputed domain names have been registered by the Respondent without having in mind the Complainant's trademark. Therefore, in the Panel's view, the disputed domain names <novartisvietnam.com>, <jobnovartis.com> and <jobnovartisvietnam.com> were registered in bad faith.

The disputed domain names are inactive. This circumstance, as noted by the Complainant, does not prevent a finding of bad faith use. Previous panels have actually held that the passive holding of a domain name can be considered as use in bad faith (see, among many others, WIPO Case No. D2000-0003 <telstra.org> and WIPO Case No. D2011-0421<browns.com>).

In addition, the Complainant insists that bad faith has to be considered also due to the Respondent's lack of reaction to the cease-and-desist letter sent by the Complainant and in consideration of the fact that the Respondent has been using a privacy shield to conceal its identity. In this respect the Panel confirms that the use of a privacy shield and the Respondent's failure to respond to the Complainant contentions and as a result to provide any evidence whatsoever of any good faith registration and use of the disputed domain names are additional indications of bad faith (see, e.g., News Group Newspapers Limited and News Network Limited v. Momm Amed la, WIPO Case No. D2000-1623, Nike, Inc. v. Azumano Travel, WIPO Case No. D2000-1598, America Online, Inc. v. Antonio R. Diaz, WIPO Case No. D2000-1460). Therefore, the Panel finds that the Complainant has also satisfied the third element of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **jobnovartis.com**: Transferred
2. **jobnovartisvietnam.com**: Transferred
3. **novartisvietnam.com**: Transferred

PANELLISTS

Name	**Guido Maffei**

DATE OF PANEL DECISION 2026-02-26

Publish the Decision