Decision for dispute CAC-UDRP-108422

Case number	CAC-UDRP-108422
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Domain names	infonovartisdr.space

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Novartis AG

Complainant representative

Organization	Abion GmbH

Respondent

Name	Drizzly DC

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 is the owner of various trademark registrations for NOVARTIS (the “NOVARTIS trademark”), including the following representative registrations:

− the International trademark NOVARTIS with registration No. 663765, registered on 1 July 1996 for goods and services in International Classes 1, 2, 3, 4, 5, 7, 8, 9, 10, 14, 16, 17, 20, 22, 28, 29, 30, 31, 32, 40 and 42;

− the United States trademark NOVARTIS with registration No. 2336960, registered on 4 April 2000 for goods in International Class 5; and

− the European Union trademark NOVARTIS with registration No. 013393641, registered on 17 March 2015 for goods in International Classes 9 and 10.

FACTUAL BACKGROUND

The Complainant is the holding company of the Novartis Group, created through the merger of the companies Ciba-Geigy and Sandoz. In 2024, the Novartis Group employed 75 883 full-time equivalent employees, and achieved net sales of USD 50.3 billion and total net income of USD 11.9 billion.

The Complainant operates its official website at the domain name <novartis.com>, registered since 2 April 1996.

The disputed domain name was registered on December 8, 2025. It is currently inactive.

PARTIES CONTENTIONS

COMPLAINANT

The Complainant submits that the disputed domain name is confusingly similar to the NOVARTIS trademark, because it incorporates this trademark in its entirety in combination with terms “info” and “dr”, which are commonly-used abbreviations for “information” and “doctor”. According to the Complainant, the addition of the elements “info” and “dr” does not prevent a finding of confusing similarity to the NOVARTIS trademark. The Complainant adds that the generic Top-Level Domain (“gTLD”) extension “.space” in the disputed domain name is a standard registration requirement and may be disregarded when assessing whether it is confusingly similar to a trademark in which the Complainant has rights.

The Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name, because the Complainant has never authorised it to use the NOVARTIS trademark, including in a domain name. The Complainant notes that there is no evidence that the Respondent is known by the dispute domain name or owns any corresponding registered trademarks. The Complainant points out that, when conducting searches on online trademark databases regarding the terms “infonovartisdr.space”, “infonovartisdr” or “info novartis dr”, no information is found in relation with trademarks corresponding to the aforementioned terms.

The Complainant maintains that the Respondent has not been using, or preparing to use, the disputed domain name in connection with a bona fide offering of goods and services, nor making a legitimate noncommercial or fair use of the disputed domain name.

The Complainant notes that the structure of the disputed domain name reveals that the Respondent’s intention in registering it was to refer to the Complainant, its trademark and business activity and to create an association, and a subsequent likelihood of confusion, with the Complainant and its NOVARTIS trademark in Internet users’ minds. In the Complainant’s view, the words “info” and “dr”, read together with the NOVARTIS trademark, may give the false impression that the disputed domain name resolves to a website providing information about the Novartis group’s activities to an audience of doctors, or given by doctors, and Internet users may wrongly believe that it is directly connected or authorised by the Complainant and would resolve to the Complainant’s official website.

The Complainant notes that the disputed domain name does not currently resolve to an active webpage, and that on 8 December 2025 and 8 January 2026, it resolved to a parking page. The Complainant concludes that the disputed domain name is being passively held, and there is no evidence 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 noncommercial or fair use of the disputed domain name.

The Complainant adds that on 8 January 2026, it sent a cease-and-desist letter to the registrant of the disputed domain name and reminders on 16 and 21 January 2026, but there was no response. According to the Complainant, this, coupled with the absence of use of the disputed domain name in connection with a bona fide offering of goods and services, further demonstrates the Respondent’s absence of rights or legitimate interests in respect of the disputed domain name.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. It notes that the NOVARTIS trademark significantly predates the registration of the disputed domain name and the Respondent has never been authorised by the Complainant to register the disputed domain name. The Complainant notes that the Novartis group has a strong presence online, and is very active online via its official website and on social networks to promote its trademark, products and services. The Complainant states that Novartis group has also an active business presence in Nigeria, where the Respondent is based. According to the Complainant, by conducting a simple search online on popular search engines regarding the terms “Novartis” alone or in association with the terms “info” and “dr”, the Respondent would have inevitably learnt about the Complainant, its trademark and business. In the Complainant’s view, it is inconceivable that the Respondent was unaware of the existence of the Complainant when it registered the disputed domain name.

The Complainant claims that the Respondent registered the disputed domain name with knowledge of the Complainant and the NOVARTIS trademark and to take advantage of the same. The Complainant notes that previous UDRP Panels have held, under the doctrine of passive holding, that “the non-use of a domain would not prevent a finding of bad faith, as discussed in section 3.3 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions (“WIPO Overview 3.1”).

RESPONDENT:

The Respondent did not submit a Response in this proceeding.

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

Pursuant to the Policy, paragraph 4(a), a complainant must prove each of the following to justify the transfer of a domain name:

(i) the 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 domain name; and

(iii) the domain name was registered and is being used in bad faith.

In this case, the Provider has employed the required measures to achieve actual notice of the Complaint to the Respondent, and the Respondent was given a fair opportunity to present its case.

By the Rules, paragraph 5(c)(i), it is expected of a respondent to: "[r]espond specifically to the statements and allegations contained in the complaint and include any and all bases for the Respondent (domain name holder) to retain registration and use of the disputed domain name …"

Identical or confusingly similar

The Complainant has provided evidence and has thus established its rights in the NOVARTIS trademark.

The Panel notes that a common practice has emerged under the Policy to disregard in appropriate circumstances the general Top-Level Domain ("gTLD") section of domain names for the purposes of the comparison under the Policy, paragraph 4(a)(i). The Panel sees no reason not to follow the same approach here, so it will disregard the ".space" gTLD section of the disputed domain name.

The relevant part of the disputed domain name is therefore the sequence "infonovartisdr", which consists of the elements "info", "novartis" and "dr". The element "novartis" is identical to the NOVARTIS trademark, while, as noted by the Complainant, "info" and "dr" are widely-used abbreviations for "information" and "doctor", and they have a low effect on the overall impression made by the disputed domain name, in which the "novartis" element dominates. As discussed in section 1.8 of the WIPO Overview 3.1, in cases where the relevant trademark is recognisable within the disputed domain name, the addition of descriptive terms would not prevent a finding of confusing similarity under the first element.

Taking all the above into account, the Panel finds that the disputed domain name is confusingly similar to the NOVARTIS trademark in which the Complainant has rights.

Rights and legitimate interests

While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often-impossible task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a 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 domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name, because it was

not authorised to use the NOVARTIS trademark and is not commonly known under the disputed domain name. The Complainant also points out that the disputed domain name is inactive, which shows that the Respondent is not using it for any bona fide activities. Thus, the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Respondent has not submitted a Response and has not provided an explanation of the reasons why it has registered the disputed domain name and how it plans to use it.

In the Panel's view, the circumstances of this case do not support a finding that the Respondent has rights and legitimate interests in the disputed domain name. It is confusingly similar to the popular NOVARTIS trademark and incorporates it with the addition of the abbreviations for "information" and "doctor", and this combination creates an appearance that the disputed domain name is related to the Complainant and provides information for medical doctors. In the absence of any arguments or evidence to the contrary, this leads the Panel to the conclusion that it is more likely than not that the Respondent, being aware of the goodwill of the Complainant's NOVARTIS trademark, has registered the disputed domain name targeting this trademark in an attempt to exploit its goodwill by attracting Internet users who may believe that the disputed domain name and the website to which it redirects are somehow related to the Complainant.

Therefore, the Panel finds that the Respondent does not have rights or legitimate interests in the disputed domain name.

Bad faith

Paragraph 4(b) of the Policy lists four illustrative alternative circumstances that shall be evidence of the registration and use of a domain name in bad faith by a respondent, namely:

"(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location."

The Respondent is not using the disputed domain name for a website. As noted in section 3.3 of the WIPO Overview 3.1, 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 by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panelists have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy.

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 taking active steps to conceal its identity or (iv) the use of false or inaccurate contact details (noted to be in breach of the respondent's registration agreement).

Taking the above factors into consideration, panels assess the overall plausibility of any (claimed) good faith use to which the domain name may be put in light of the composition of the domain name in relation to the relevant mark, such that, the more arbitrary or distinctive a mark the less plausible a claimed non-infringing good faith use is likely to be, and vice versa.

The distinctive NOVARTIS trademark was first registered in 1996. It had already been extensively used for almost thirty years around the world when the disputed domain name was registered in late 2025. The disputed domain name incorporates the NOVARTIS trademark in combination with elements that make it appear as providing information to medical doctors about the Complainant, which may confuse and attract Internet users, and the Respondent has not provided any plausible explanation of its choice of a domain name and its plans how to use it.

Considering the above, the Panel is not aware of any good faith use to which the disputed domain name may be put without the consent of the Complainant, and accepts that the Respondent has registered the disputed domain name targeting the Complainant's NOVARTIS trademark and with the intention of taking advantage of its goodwill, which supports a finding of bad faith under the doctrine of passive holding.

This satisfies the Panel that the disputed domain name has been registered and 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. **infonovartisdr.space**: Transferred

PANELLISTS

Name	**Assen Alexiev**

DATE OF PANEL DECISION 2026-03-26

Publish the Decision