Decision for dispute CAC-UDRP-108490

Case number	CAC-UDRP-108490
Time of filing	2026-03-18 09:40:09
Domain names	novartismx.com

Case administrator

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

Complainant

Organization	Novartis AG

Complainant representative

Organization	Abion GmbH

Respondent

Organization	Raam Laboratories

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 owns the trademark NOVARTIS, registered in numerous jurisdictions all over the world (thereafter "the NOVARTIS trademark") many years before the creation of the disputed domain name on February 9, 2026, including but not limited to:

- The International trademark NOVARTIS No. 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, 42;

- The International trademark NOVARTIS No. 1349878, registered on November 29, 2016, in classes 9, 10, 41, 42, 44 and 45, designating Mexico;

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

- The United States trademark NOVARTIS No. 2336960, registered on April 4, 2000, in classes 1, 5, 9, 10, 29, 30, 31, 32 and 42;

- The United States trademark NOVARTIS No. 4986124, registered on April 12, 2016, in classes 5, 9, 10, 41, 42 and 44;

- The United States trademark NOVARTIS No. 6990442, registered on February 28, 2023, in class 5; and

- The United States trademark NOVARTIS No. 8139088, registered on May 14, 2024, in classes 42 and 44.

Previous UDRP panels have determined that the NOVARTIS mark is well known.

The Complainant owns numerous domain names composed of either its trademark NOVARTIS alone, including <novartis.com> (created on April 2, 1996) or in combination with other terms, such as <novartispharma.com> (created on October 27, 1999) and <novartismexico.com> (created on May 3, 2024). The Complainant uses the domain names <novartis.com> and <novartispharma.com> to resolve to its official website through which it informs Internet users and potential consumers about its NOVARTIS mark and its related products and services. On the Complainant's website, the page at "www.novartis.com/mx-es/" is intended for a Mexican audience. The Complainant also enjoys a strong presence online via its official social media platforms.

FACTUAL BACKGROUND

The Novartis Group is one of the biggest global pharmaceutical and healthcare groups. Novartis AG, 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. In 2025, The Novartis Group achieved net sales of USD 54.5 billion, and total net income amounted to USD 14 billion employing approximately 75 000 full-time employees as of December 31, 2025. Its medicines reach 296 million people worldwide. The Complainant's products are manufactured and sold in many countries worldwide, including in Mexico, where it has an active presence especially through the company Novartis Farmacéutica, S.A. de C.V., part of the Novartis group. The Novartis Group employs more than 1500 employees in Mexico.

The disputed domain name, registered on February 9, 2026, redirected to the Complainant's website at "www.novartis.com". The Complainant took action in March 2026 to prevent this continuing.

PARTIES CONTENTIONS

Complainant

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

The disputed domain name incorporates the Complainant's well-known trademark NOVARTIS in its entirety and the country code "MX" corresponding to Mexico, as well as the generic Top-Level Domain ".com". The addition of the generic term "MX" would not prevent a finding of confusing similarity to the trademark. ".com" is a standard registration requirement and may be disregarded when assessing whether the disputed domain name is confusingly similar to the trademark in which the Complainant has rights. The disputed domain name is therefore confusingly similar to the Complainant's trademark NOVARTIS.

(ii) The Respondent has no rights or legitimate interests in respect of the disputed domain name;

The Complainant has never granted the Respondent any rights to use the NOVARTIS trademark in any form, including in the disputed domain name.

There is no evidence that the Respondent is known by the dispute domain name or owns any corresponding registered trademarks. The Respondent's name "Eugenio Chavez Hernandez, Raam Laboratories" does not correspond to the disputed domain name.

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 structure of the disputed domain name, incorporating the Complainant's trademark NOVARTIS in its entirety and the country code "MX" reveals that the Respondent's intention in registering the disputed domain name was to refer to the Complainant, and its trademark and business activity – especially in Mexico – and to create an association, and a subsequent likelihood of confusion, with the Complainant and its NOVARTIS trademark in Internet users' minds. By reading the disputed domain name, Internet users may believe that it is directly connected or authorized by the Complainant.

On February 10 to March 10, 2026 inclusive the disputed domain name redirected to the Complainant's website at "novartis.com" which would not constitute evidence of rights or legitimate interest.

For the foregoing reasons, the Respondent has no rights or legitimate interests in respect of the disputed domain name, within the meaning of the Paragraphs 4(a)(ii) and (4)(c) of the Policy.

(iii) The disputed domain name was registered and is being used in bad faith

A. The disputed domain name was registered in bad faith

The Complainant's registrations of its well known NOVARTIS mark significantly predate the registration of the disputed domain name on February 9, 2026 and the Respondent has never been authorized by the Complainant to register the disputed domain name.

The Novartis group has also a significant business presence in Mexico, the country in which the Respondent is located. By conducting a simple search online on popular search engines regarding the terms “Novartis” alone or in association with the term “MX”, the Respondent would have inevitably learnt about the Complainant, its trademark and business.

When conducting an online search on the Google.com search engine regarding the Respondent’s e-mail address, the latter is displayed on the website at “www.zuca.mx”, on its pages “Aviso de privacidad” and “Garantías y devoluciones”. On the website at “www.zuca.mx”, it is stated “At Zuca MedLine, we specialize in the digital distribution of highly specialized drugs and medical devices. Our mission is to provide continuous and accurate access to essential health products, always ensuring availability and excellent service for our customers”. As the Registrant appears to be directly connected to such website, he very likely knows the pharmaceutical and healthcare business fields well and, as a consequence, the Novartis group. Moreover, when conducting an online search on the popular search engine Google.com about the name “Raam Laboratories”, among the three results listed, one leads to a PDF document. Such document presents “Raam Laboratories” as “a Mexican pharmaceutical company specialized in the production of several pharmaceutical specialties”. Nevertheless, when searching on the same search engine for the names “Eugenio Chavez Hernandez” and “Raam Laboratories”, no results are found. However, the Respondent “Eugenio Chavez Hernandez” seems to have been involved in a previous UDRP procedure as respondent regarding the domain name <boehringer-ingelheimmx.com>, in which the Panel ordered the transfer of the domain name to the complainant. The complainant was Boehringer Ingelheim Pharma GmbH & Co.KG, operating in the pharmaceutical field. The respondent’s name in that case was “Eugenio Chavez Hernandez, Raam Laboratorios” which is almost identical to the Respondent’s name “Eugenio Chavez Hernandez, Raam Laboratories” in this case. It shows that the Respondent has strong knowledge about the DNS system and, more generally, the functioning and use of the Internet, as well as of the pharmaceutical and healthcare business fields. It is, therefore, implausible that the Respondent did not know about the Complainant, its products, and its NOVARTIS trademark when it registered the disputed domain name. It is therefore inconceivable that the Respondent was unaware of the existence of the Complainant and its well known NOVARTIS mark when it registered the disputed domain name.

The disputed domain name incorporates the Complainant’s well-known trademark NOVARTIS and the term “MX”. The structure of the disputed domain name therefore reflects the Respondent’s clear intention to create an association, and a subsequent likelihood of confusion, with the Complainant’s trademark in Internet users’ minds. By reading the disputed domain name, Internet users may believe that it is directly connected to or authorized by the Complainant. The Respondent registered the disputed domain name to take advantage of the Complainant’s widely known trademark.

In view of the above facts, it clearly appears that the Respondent knew the Complainant and the NOVARTIS trademark at the time it registered the disputed domain name. The Respondent has registered the disputed domain name in bad faith.

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

Paragraph 4(b) of the Policy identifies, in particular but without limitation, four circumstances which shall be evidence of the registration and use of a domain name in bad faith. Among those circumstances Paragraph 4(b)(iv) of the Policy reads: “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 disputed domain name previously redirected to the Complainant’s website at “www.novartis.com”. Such redirection was a further attempt to misleading Internet users into believing that <novartismx.com> belonged to or is authorized by the Complainant, which is not the case. It has been held that the redirection of the domain name to the complainant’s website is evidence of bad faith use.

In addition, active MX records are associated to the disputed domain name. There might therefore be a risk that corresponding e-mail addresses are being used. Internet users receiving emails from e-mail addresses associated with the disputed domain name (such as “[…]@novartismx.com”) may be led to believe that they are being personally contacted by the Complainant. Being deceived, Internet users might start to interact with the sender and possibly be victims of fraud attempts. There might therefore be a risk of the disputed domain name being used for fraudulent purposes, by impersonation of the Complainant. The aforementioned facts demonstrate that the Respondent has been using the disputed domain name in bad faith.

In view of the above, the Complainant concludes that the Respondent’s conduct falls within the meaning of Paragraph 4(a)(iii) of the Policy.

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 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

The disputed domain name is confusingly similar to the Complainant's prior well known mark consisting of it and the generic term 'mx' indicating Mexico and the gTLD .com neither of which prevents confusing similarity between the disputed domain name and the Complainant's mark.

The Respondent is not authorised by the Complainant or commonly known by the disputed domain name.

The disputed domain name has been pointed to the Complainant's web site, thereby associating it with the Complainant, which is not a bona fide offering of goods or services or non commercial legitimate fair use.

The Respondent appears to be associated with pharmaceutical companies in Mexico and is likely to have been aware of the Complainant's well known mark when registering the disputed domain name.

The subsequent passive use of the disputed domain name does not prevent a finding of registration and use in bad faith.

The Respondent has been the subject of a prior adverse decision under the UDRP for registration of another domain name containing a third-party pharmaceutical trade mark showing a pattern of bad faith activity.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **novartismx.com**: Transferred

PANELLISTS

Name	**Dawn Osborne**

DATE OF PANEL DECISION 2026-04-20

Publish the Decision