Decision for dispute CAC-UDRP-108638

Case number	CAC-UDRP-108638
Time of filing	2026-05-11 08:46:07
Domain names	actilyse.xyz

Case administrator

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

Complainant

Organization	BOEHRINGER INGELHEIM INTERNATIONAL GMBH

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Gina Yu

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 relies on its rights in the trademark ACTILYSE, and in particular on the international trademark ACTILYSE no. 493578, registered and renewed since May 2, 1985. The Complainant further asserts ownership of a domain name incorporating the term “ACTILYSE” <actilyse.com> registered on October 7, 1996.

The disputed domain name <actilyse.xyz> was registered on May 5, 2026.

FACTUAL BACKGROUND

The Complainant, Boehringer Ingelheim International GmbH, is a German family-owned pharmaceutical group of companies founded in 1885 by Albert Boehringer in Ingelheim am Rhein, Germany. The Complainant is one of the top 20 companies in the pharmaceutical industry, employs approximately 54,300 people and, in 2025, achieved net sales of EUR 27.8 billion.

ACTILYSE is a pharmaceutical product of the Complainant, namely a fibrinolytic agent indicated for the treatment of acute ischaemic stroke, acute myocardial infarction, acute massive pulmonary embolism and occluded catheters.

The Complainant is the owner of the international trademark ACTILYSE no. 493578, registered and renewed since May 2, 1985, and of the domain name <actilyse.com>, registered on October 7, 1996.

The disputed domain name <actilyse.xyz> was registered on May 5, 2026, and resolves to a parking page on which the disputed domain name is offered for sale for the sum of USD 1,450. The Respondent did not file a Response.

PARTIES CONTENTIONS

A) Complainant

The Complainant contends that each of the three elements set out in paragraph 4(a) of the Policy is satisfied.

As to the first element, the Complainant submits that the disputed domain name is identical to its ACTILYSE trademark, as it reproduces that trademark in its entirety without the addition of any letter or word, and that the addition of the new generic top-level domain ".xyz" is insufficient to avoid a finding of identity or confusing similarity and does not alter the overall impression that the disputed domain name is connected to the trademark.

As to the second element, the Complainant submits that it is required only to establish a prima facie case that the Respondent lacks rights or legitimate interests, whereupon the burden of production shifts to the Respondent. The Complainant contends that the Respondent is not commonly known by the disputed domain name, the relevant WHOIS data bearing no resemblance to it; that the Respondent is not related in any way to the Complainant and that the Complainant has no business with the Respondent; that neither a licence nor an authorisation to use the ACTILYSE trademark or to register the disputed domain name has been granted to the Respondent; and that the disputed domain name resolves to a parking page on which it is offered for sale for USD 1,450, such a general offer to sell evidencing the Respondent's lack of rights or legitimate interests.

As to the third element, the Complainant submits that the disputed domain name is identical to its ACTILYSE trademark, which was registered many years before the registration of the disputed domain name, and that a search engine query for the term "ACTILYSE" returns results relating exclusively to the Complainant's product, so that the Respondent could not have been unaware of the trademark at the time of registration. The Complainant further submits that the Respondent makes no active use of the disputed domain name and registered it primarily for the purpose of selling it for valuable consideration in excess of out-of-pocket costs, which evidences registration and use in bad faith.

B) 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 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 Complaint was filed with the Czech Arbitration Court (the "CAC") in accordance with the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for the Uniform Domain Name Dispute Resolution Policy (the "Rules") and the CAC Supplemental Rules (the "Supplemental Rules").

The CAC verified that the Complaint satisfied the formal requirements of the Policy, the Rules and the Supplemental Rules. The CAC formally notified the Respondent of the Complaint and the proceedings commenced. The due date for a Response was duly set.

The Respondent did not submit any Response. Accordingly, the CAC notified the Respondent of its default. The Panel was appointed in accordance with the Rules. The Panel has submitted its Statement of Acceptance and Declaration of Impartiality and

Independence, as required by the CAC to ensure compliance with the Rules.

The language of the proceedings is English.

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

For the Complainant to succeed it must prove, within the meaning of paragraph 4(a) of the Policy, that:

(i) The 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 in respect of the domain name; and

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

I. The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights

Pursuant to paragraph 4(a)(i) of the Policy, the Complainant must establish that the disputed domain name is identical or confusingly similar to a trademark or service mark in which it has rights.

The Complainant has established, by the evidence on record, that it holds rights in the trademark ACTILYSE, in particular by virtue of the international trademark ACTILYSE No. 493578, registered and renewed since May 2, 1985. The Complainant has therefore satisfied the threshold requirement of having trademark rights for the purposes of paragraph 4(a)(i) of the Policy. The disputed domain name <actilyse.xyz> incorporates the ACTILYSE trademark in its entirety, without the addition or omission of any letter, word or other element. The only difference between the disputed domain name and the trademark is the generic top-level domain ".xyz". It is well established that the generic top-level domain is, as a rule, disregarded when assessing identity or confusing similarity under the first element, being a technical requirement of registration. Disregarding the top-level domain, the disputed domain name is identical to the Complainant's ACTILYSE trademark. The Panel accordingly finds that the disputed domain name is identical to a trademark in which the Complainant has rights, and that the first element of paragraph 4(a) of the Policy is satisfied.

II. The Respondent has no rights or legitimate interests in respect of the disputed domain name

Pursuant to paragraph 4(a)(ii) of the Policy, the Complainant must establish that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

In accordance with consistent UDRP practice, the burden of proof under this element rests upon the Complainant. However, given that proving a negative fact lying within the exclusive knowledge of the Respondent would entail an excessive evidentiary burden, it suffices for the Complainant to make out a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. Once such a prima facie case is established, the burden of production shifts to the Respondent to demonstrate that it does possess rights or legitimate interests within the meaning of paragraph 4(c) of the Policy. If the Respondent fails to come forward with relevant allegations or evidence, the Complainant is generally deemed to have satisfied the second element.

In the present case, the Complainant has submitted, and the Panel accepts, that:

1. The Respondent is identified in the relevant WHOIS data as "Gina Yu", which bears no resemblance to the disputed

domain name, and there is nothing on record to suggest that the Respondent is commonly known by the disputed domain name.

2. The Respondent is not related in any way to the Complainant, the Complainant carries out no activity for and has no business relationship with the Respondent, and the Complainant has granted the Respondent neither a licence nor any authorisation to use the ACTILYSE trademark or to register the disputed domain name.

3. Furthermore, the disputed domain name does not resolve to any genuine offering of goods or services or to any legitimate non-commercial or fair use. Instead, it resolves to a parking page on which the disputed domain name is offered for sale for USD 1,450. A general offer to sell the disputed domain name does not constitute a bona fide offering of goods or services or a legitimate interest and provides further evidence of the Respondent's lack of rights or legitimate interests.

The Panel therefore finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent, having failed to file a Response, has not rebutted that prima facie case and has not put forward any of the circumstances set out in paragraph 4(c) of the Policy, or any other basis on which rights or legitimate interests might be founded.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and that the second element of paragraph 4(a) of the Policy is satisfied.

III. The disputed domain name has been registered and is being used in bad faith

Pursuant to paragraph 4(a)(iii) of the Policy, the Complainant must establish that the disputed domain name has been registered and is being used in bad faith. Paragraph 4(b) of the Policy sets out a non-exhaustive list of circumstances which, if found by the Panel to be present, shall be evidence of registration and use in bad faith, including, in paragraph 4(b)(i), circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting or otherwise transferring it for valuable consideration in excess of documented out-of-pocket costs directly related to the domain name.

As to registration in bad faith, the disputed domain name is identical to the Complainant's ACTILYSE trademark, which had been registered and used for many years before the registration of the disputed domain name. The term “ACTILYSE” is a coined, distinctive term with no descriptive meaning, and a search engine query for that term returns results relating exclusively to the Complainant and its product. In these circumstances, the Panel is satisfied that the Respondent could not plausibly have been unaware of the Complainant's trademark when registering the disputed domain name, and that the disputed domain name was registered with the Complainant's trademark in mind and in order to take unfair advantage of it.

As to use in bad faith, the disputed domain name resolves to a parking page on which it is offered for sale for USD 1,450, a sum that, on the evidence, exceeds any documented out-of-pocket costs directly related to the disputed domain name. The Respondent makes no active, good-faith use of the disputed domain name. The Panel finds that the Respondent registered the disputed domain name primarily for the purpose of selling it for valuable consideration in excess of its out-of-pocket costs, which constitutes evidence of registration and use in bad faith within the meaning of paragraph 4(b)(i) of the Policy.

Having regard to the distinctiveness and reputation of the Complainant's trademark, the identity between the disputed domain name and that trademark, the Respondent's offer to sell the disputed domain name, the absence of any conceivable good-faith use, and the Respondent's failure to file any Response or to provide any explanation, the Panel finds that the disputed domain name was registered and is being used in bad faith, and that the third element of paragraph 4(a) of the Policy is satisfied.

Conclusion

All three elements set out in paragraph 4(a) of the Policy having been established to the satisfaction of the Panel, the Panel concludes that the Complaint is well-founded and that the disputed domain name should be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **actilyse.xyz**: Transferred

PANELLISTS

Name	**Petr Hostaš**

DATE OF PANEL DECISION 2026-06-05

Publish the Decision