Decision for dispute CAC-UDRP-108642

Case number	CAC-UDRP-108642
Time of filing	2026-05-14 10:00:03
Domain names	novartisus.online

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Novartis AG

Complainant representative

Organization	Abion GmbH

Respondent

Organization	DCN Realty

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 holder of the registered word mark NOVARTIS in numerous jurisdictions worldwide, including the International trademark NOVARTIS No. 1349878, registered on 29 November 2016, designating inter alia the Philippines, the United States of America ("United States") and the European Union and covering classes 9, 10, 41, 42, 44 and 45.

FACTUAL BACKGROUND

The Complainant, Novartis AG, is a global pharmaceutical and healthcare group headquartered in Basel, Switzerland. It was created in 1996 through a merger of Ciba-Geigy and Sandoz. In 2025, Novartis achieved net sales of USD 54.5 billion and a total net income of USD 14 billion, and employed 75,267 full-time equivalent employees as of 31 December 2025.

The Complainant is the owner of the registered trademark NOVARTIS in numerous jurisdictions worldwide and operates its official website at www.novartis.com. The Complainant also owns the domain names <novartisus.com> (registered on 15 December 2000) and <novartis-us.com> (registered on 5 December 2004).

The Novartis Group has maintained a presence in the Philippines through Novartis Healthcare Philippines, Inc. since 1996.

The disputed domain name <novartisus.online> was registered on 23 January 2026. On 28 January 2026, it resolved to a registrar

parking page. The disputed domain name is currently inactive.

On 28 January 2026, the Complainant sent a cease-and-desist letter to the Respondent via the Registrar. The Complainant also sent the cease-and-desist letter to the Respondent via the Registrar's online contact form. The Complainant sent a further reminder on 13 February 2026, but there was apparently no response.

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

Paragraph 15 of the Rules provides that the Panel is to decide the complaint on the basis of the statements and documents submitted in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

The onus is on the Complainant to make out its case and it is apparent, both from the terms of the Policy and the decisions of past UDRP panels, that the Complainant must show that all three elements set out in Paragraph 4 (a) of the Policy have been established before any order can be made to transfer a domain name. As the proceedings are administrative, the standard of proof is the balance of probabilities.

Thus, for the Complainant to succeed it must prove, within the meaning of Paragraph 4(a) of the Policy and on the balance of probabilities that:

1. The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
2. The Respondent has no rights or legitimate interests in respect of the disputed domain name; and
3. The disputed domain name has been registered and is being used in bad faith.

The Panel has therefore dealt with each of these requirements in turn.

1. Identity of confusing similarity

The Complainant must first establish that there is a trademark or service mark in which it has rights. Since the Complainant is the

holder of the registered NOVARTIS trademark, which is used in connection with the Complainant's pharmaceutical and healthcare business, it is established that there is a trademark in which the Complainant has rights.

The disputed domain name <novartisus.online> incorporates the Complainant's NOVARTIS trademark in its entirety, merely adding the term "us". In the Panel's view, the addition of the term "us" does not prevent the Complainant's trademark from being recognizable within the disputed domain name (see section 1.8 WIPO Overview 3.1; JConcepts, Inc v. Jun Luo, WIPO Case No. D2023-0547).

It is well established that the Top Level Domains such as ".online" may be disregarded when considering whether the disputed domain name is identical or confusingly similar to the trademark in which the Complainant has rights (see section 1.11 WIPO Overview 3.1).

Therefore, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark. Accordingly, the Complainant has made out the first of the three elements that it must establish.

2. No rights or legitimate interests

Under paragraph 4(a)(ii) of the Policy, the Complainant has the burden of establishing that the Respondent has no rights or legitimate interests in respect of the disputed domain name.It is established case law that it is sufficient for the Complainant to make a prima facie showing that the Respondent has no right or legitimate interest in the disputed domain name in order to shift the burden of proof to the Respondent (see section 2.1 WIPO Overview 3.1 and Champion Innovations, Ltd. v. Udo Dussling (45FHH), WIPO Case No. D2005-1094; Croatia Airlines d.d. v. Modern Empire Internet Ltd., WIPO Case No. D2003-0455; Belupo d.d. v. WACHEM d.o.o., WIPO Case No. 2004-0110).

The Panel notes that the Respondent has not been commonly known by the disputed domain name and has not acquired trademark or service mark rights. According to the information provided by the Registrar, the Respondent is known as "DCN Realty". The Respondent's use and registration of the disputed domain name was not authorized by the Complainant. There are no indications that any connection between the Complainant and the Respondent existed.

A respondent's use of a domain name will not be considered "fair" if it falsely suggests affiliation with the trademark owner. The correlation between a domain name and the complainant's mark is often central to this inquiry. Generally speaking, UDRP panels have found that where a domain name consists of a trademark plus an additional term, such a composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner (see section 2.5.1 WIPO Overview 3.1).

The disputed domain name incorporates the Complainant's distinctive NOVARTIS trademark in its entirety, followed by the term "us". In the Panel's view, this term is widely considered to be an abbreviation for the United States. Given the Complainant's active business in this country, the combination of this term with the Complainant's mark carries a clear risk of implied affiliation with the Complainant and cannot constitute fair use.

The Panel observes that the disputed domain name does not resolve to an active website. This does not amount to any legitimate noncommercial or fair use or use in connection with a bona fide offering of goods and services.

The Respondent had the opportunity to demonstrate its rights or legitimate interests but did not do so. In the absence of a Response from the Respondent, the prima facie case established by the Complainant has not been rebutted.

Therefore, the Panel finds that the Complainant has established that the Respondent has no rights or legitimate interests in the disputed domain name. In light of the above, the Complainant succeeds on the second element of the Policy.

3. Bad faith

The Complainant must prove on the balance of probabilities that the disputed domain name was registered in bad faith and that it is being used in bad faith (see section 4.2 WIPO Overview 3.1 and Telstra Corporation Limited v. Nuclear Marshmallow, WIPO Case No. D2000-0003; Control Techniques Limited v. Lektronix Ltd, WIPO Case No. D2006-1052).

According to the Panel, the awareness of a respondent of the complainant and/or the complainant's trademark rights at the time of registration can evidence bad faith (see Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz, WIPO Case No. D2011-2209; Nintendo of America Inc v. Marco Beijen, Beijen Consulting, Pokemon Fan Clubs Org., and Pokemon Fans Unite, WIPO Case No. D2001-1070).

In the instant case, the Panel finds that the Respondent must have had knowledge of the Complainant's rights in the NOVARTIS trademark at the moment it registered the disputed domain name. The disputed domain name incorporates the distinctive and well-known Complainant's trademark in its entirety and adds the term "us", which could easily be considered to refer to a location of the Complainant's activities. Moreover, the Complainant's mark has been registered for almost 10 years before the disputed domain name, including in the country where the Respondent appears to be located. Finally, the reputation of the Complainant's NOVARTIS trademark has been confirmed by at least one previous UDRP panel (see Novartis AG v. Amartya Sinha, Global Webs Link, Novartis RO, WIPO Case No. D2020-3203).

Given the totality of the circumstances discussed above, the fact that the disputed domain name resolves to an inactive webpage does not prevent a finding of bad faith under the doctrine of passive holding (see section 3.3, WIPO Overview 3.1; Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003). 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.

Finally, the Respondent did not formally take part in the administrative proceedings. According to the Panel, this serves as an additional indication of the Respondent's bad faith.

Therefore, the Panel finds that, on the balance of probabilities, it is sufficiently shown that the disputed domain name was registered and is being 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. **novartisus.online**: Transferred

PANELLISTS

Name	**Flip Petillion**

DATE OF PANEL DECISION 2026-06-26

Publish the Decision