

Decision for dispute CAC-UDRP-108728

Case number	CAC-UDRP-108728
Time of filing	2026-06-18 10:01:35
Domain names	biomierieux.com

Case administrator

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

Organization	bioMérieux
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Complainant representative

Organization	Plasseraud IP
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Respondent

Organization	group containers
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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 registered owner of a number of word and/or device mark registrations incorporating the mark BIOMERIEUX, including International word mark number 933 598, registered on June 12, 2007 for BIOMERIEUX which is protected in numerous jurisdictions, including, in particular, in Australia. It also owns trade mark registrations for BIOMERIEUX in the United States, including trade mark registration 1392389 registered on October 25, 2017.

FACTUAL BACKGROUND

The Complainant is a global biotechnology company registered in France in 1988 and which offers diagnostic, laboratory and other medical, pharmaceutical and related services. Its headquarters are located in France and it offers its services, in particular, in Australia and the United States.

The Complainant owns a number of domain names incorporating its BIOMERIEUX mark and its main company website is at <biomierieux.com> which domain name was registered on May 31, 1996.

The disputed domain name was registered on June 8, 2026, by the Respondent allegedly based in Australia, but with a United States telephone contact number. At the time of the filing of the Complaint, the disputed domain name resolved to a parking page which displays sponsored links promoting activities such as medical testing results, laboratory diagnostics, diagnostic software and lab

testing services similar to the Complainant's activities in the diagnostics, medical and pharmaceutical field.

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

The Complainant has submitted that it owns registered trade mark rights for its BIOMERIEUX mark as set out above. As submitted by the Complainant the disputed domain name includes the Complainant's BIOMERIEUX trade mark with one modification being the addition of the vowel "i" in the middle part of the trade mark. This amounts to a typosquatting of the Complainant's BIOMERIEUX mark which is plainly recognisable and as noted by the Complainant does not alter the overall perception of the disputed domain name as being extremely similar to the Complainant's trade mark BIOMERIEUX. Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's BIOMERIEUX mark.

The Complainant notes its trade mark for BIOMERIEUX is distinctive and well known, and that the Respondent could not have reasonably ignored the reputation of its trade mark, or the fact that it operates its main website from the domain name <biomerieux.com> registered on May 31, 1996. The Complainant further notes that its reputation has been acknowledged by previous panels.

The Complainant has asserted that the Respondent has no rights or legitimate interest in the disputed domain name and that it has never consented to such use. It argues that its mark has a very substantial reputation as a consequence of the size of the Respondent's business and international operations and of its use of the mark. It says that it does not believe that the Respondent owns rights in "BIOMERIEUX". It has also submitted that a search on SAEGIS reveals no rights owned by the Respondent and that a Google search only reveals results indicating that the Complainant and companies in its group are registered owners of the BIOMERIEUX trade mark.

The Complainant asserts that there is no evidence that the Respondent is using the disputed domain name for a bone fide reason or non-commercial use as the website diverts to a parking page which displays sponsored links promoting activities that compete with the Complainant's activities in the medical/pharmaceutical field.

Accordingly, the Panel finds that the Complainant has made out a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name which case has not been rebutted by the Respondent and that as a result the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

As far as registration in bad faith, the Complainant has submitted that BIOMERIEUX has no meaning and is a fanciful, distinctive and well reputed mark internationally as a result of the Complainant's substantial international business. It has also noted that the disputed domain name was registered in June 2026, many decades after the Complainant commenced its business and registered its trade marks. Noting these facts and that the disputed domain name by including an additional "i" but otherwise by being identical to the Complainant's registered trade mark, is a plain typosquatting of the Complainant's trade mark, the Panel finds that it is most likely that the Respondent was well aware of the Complainant's business and BIOMERIEUX mark when it registered the disputed domain name.

Under paragraph 4(b)(iv) of the Policy there is evidence of registration and use of the disputed domain name in bad faith where a Respondent has used the disputed domain name to intentionally attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trade marks as to the source, sponsorship, affiliation or endorsement of the website.

In this case it appears that the Respondent has sought to target the Complainant's fanciful, distinctive and well reputed mark and the domain name <biomerieux.com> that it uses to resolve to its main website. By registering the disputed domain name with an additional letter "i" but which is otherwise identical to the Complainant's trade mark and also to its domain name, the Respondent is typosquatting and has sought to confuse and re-direct Internet users, in this case to a parking page featuring sponsored links to various companies or products which the Complainant says compete with its offering of diagnostic, medical or pharmaceutical services. In doing this it is most likely that the Respondent makes some commercial gain and consequently that the requirements of paragraph 4(b)(iv) of the Policy are fulfilled.

The Panel's view of the Respondent's bad faith is further reinforced by the high degree of implied affiliation of the disputed domain name with the Complainant, the implausibility that the Respondent would have registered a typosquatted domain name for a bona fide purpose and the evidence submitted by the Complainant that the Respondent's name and address details appear to be false or non-existent.

Accordingly, the Panel finds that the disputed domain name was both registered and has been 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. biomierieux.com: Transferred

PANELLISTS

Name	Mr Alistair Payne
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DATE OF PANEL DECISION	2026-07-18
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Publish the Decision