Decision for dispute CAC-UDRP-108752

Case number	CAC-UDRP-108752
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Domain names	novartis-rd.com

Case administrator

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

Complainant

Organization	Novartis AG

Complainant representative

Organization	Abion GmbH

Respondent

Organization	FASST LLC

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 the registered well-known trademark NOVARTIS in numerous jurisdictions all over the world, including the following:

- 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 International trademark NOVARTIS No. 1349878, registered on 29 November 2016, in classes 9, 10, 41, 42, 44 and 45;
- The International trademark NOVARTIS No. 1544148, registered on 29 June 2020, in class 35;
- The International trademark NOVARTIS No. 66765, registered on 1 July 1996, designating inter alia China, in classes 1, 2, 3, 4, 5, 7, 8, 9, 10, 14, 16, 17, 20, 22, 28, 29, 30, 31, 32, 40, 42;
- The European Union trademark NOVARTIS No. 013393641, registered on 17 March 2015, in classes 9 and 1 O; and
- Dominican Republic trademark NOVARTIS REG. No. 86301, registered on 15 October 1996, in classes 29 and 30.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Novartis Group is one of the biggest global pharmaceutical and healthcare groups. It provides solutions to address the evolving needs of patients worldwide by developing and delivering innovative medical treatments and drugs. The Complainant, Novartis AG, maintains headquarters in Switzerland and was created in 1996 through a merger of two other companies Ciba-Geigyand Sandoz. Complainant is the holding company of the Novartis Group.

The Complainant's products are manufactured and sold in many regions worldwide including the United States of America, a country where it has a substantial presence with a nationwide network of offices, manufacturing facilities, and research sites dedicated to the development, manufacture, and commercialization of innovative pharmaceutical products. Further, the Complainant owns a number of registrations, in several countries, for the trademark NOVARTIS listing a wide variety of goods and services in the fields of pharmaceuticals and healthcare. The Complainant also owns numerous domain names composed of either its trademark NOVARTIS alone, including <novartis.com> (created on 2 April 1996 and used for the Complainant's official website) or in combination with other terms, such as <novartispharma.com> (created on 27 October 1999).

The disputed domain name was registered on 17 May 2026 and resolves to a pay-per-click page with sponsored links related mostly to the fields of health and pharmaceuticals.

PARTIES CONTENTIONS

COMPLAINANT:

The <novartis-rd.com> domain name, registered on May 17, 2026, is confusingly similar to the NOVARTIS trademark in that it incorporates the entirety of the trademark and adds only a hyphen, the letters "rd", and the ".com" top-level domain.

The Respondent has no right or legitimate interests in the disputed domain name as it is not commonly known by the domain name and its resolution, to a pay-per-click site with links to third-party commercial health and pharmaceutical sites is not a bona fide offering of goods or services due to confusion with the Complainant's trademark.

The disputed domain name was registered and is used in bad faith due to the Respondent's prior knowledge of the Complainant's trademark and based on the above-mentioned pay-per-click activity.

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

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

Paragraph 4(a)(i) of the Policy is a standing requirement which is satisfied if the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights. Furthermore, it is not as extensive as the “likelihood of confusion” test for trademark infringement applied by many courts. Rather, under the Policy confusing similarity is commonly tested by comparing the Complainant’s trademark and the disputed domain name in appearance, sound, meaning, and overall impression. See Administradora de Marcas RD, S. de R.L. de C.V. v. DNS Manager / Profile Group, 101341 (CAC November 28, 2016).

It has been consistently held that “[r]egistration of a mark with governmental trademark agencies is sufficient to establish rights in that mark for the purposes of Policy paragraph 4(a)(i).” Teleflex Incorporated v. Leisa Idalski, FA 1794131 (FORUM July 31, 2018). In this case, the Complainant has submitted screenshots from the websites of the World Intellectual Property Organization (WIPO), the European Intellectual Property Office (EUIPO), and the United States Patent and Trademark Office (USPTO) demonstrating that it owns registrations of the NOVARTIS trademark. The Panel accepts this evidence as proof of the Complainant’s asserted trademark rights.

Where a disputed domain name consists of the entirety of a trademark and adds a hyphen and generic or descriptive terms, confusing similarity has frequently been found under paragraph 4(a)(i) of the Policy. See, e.g., Arkema France v. Wilderman, Oberbrunner and Hammes, 108538 (CAC June 27, 2026) (confusing similarity found where “[t]he disputed domain name differs from the Complainant’s trademark ‘ARKEMA’ only by the addition of the hyphen, followed by the word ‘USA’ (which can be considered as an abbreviation of the geographical term ‘United States of America’"), and by the top-level domain ‘.COM’."). Here, the second level of the disputed domain name contains the entirety of the NOVARTIS trademark followed by a hyphen and the letters “rd” referring to the words “research and development”, a common practice amongst companies in the pharmaceutical industry. Thus, the Complainant’s trademark is clearly recognizable in the disputed domain name and the added generic term does not lessen confusion but rather enhance it as it relates to an element of Complainant’s business.

Of course, the extension “.com” adds no meaning to the second level of the disputed domain name. Lesaffre et Compagnie v. Tims Dozman, 102430 (CAC May 2, 2019) (“the top-level suffix in the domain name (i.e. the ‘.com’) must be disregarded under the identity / confusing similarity test as it is a necessary technical requirement of registration.“).

Accordingly, the Panel finds that the Complainant has rights to the NOVARTIS trademark and that the disputed domain name is confusingly similar to such trademark. Thus, the Complainant has satisfied paragraph 4(a)(i) of the Policy.

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

Pursuant to paragraph 4(a)(ii) of the Policy, a complainant has the burden of making a prima facie showing that the respondent has no rights or legitimate interests in a domain name. Cephalon, Inc. v. RiskIQ, Inc., 100834 (CAC September 12, 2014). Once this standard is met, the burden shifts to the respondent to demonstrate that it does have rights or legitimate interests in the domain name.

Paragraph 4(c) of the Policy offers respondents several examples of how to demonstrate their rights or legitimate interests to a domain name.

With reference to 4(c)(ii), the Complaint states that the Respondent is not commonly known by the disputed domain name and that the Complainant “has never granted the Respondent with any rights to use the NOVARTIS trademark in any form, including in the disputed domain name.”. The Complainant has submitted into evidence the results of WIPO Global Brand Database trademark searches for the Respondent’s names (alone and in connection with the NOVARTIS trademark) which show no results thus indicating that the Respondent holds no trademark rights to the terms which make up the disputed domain name. The Respondent has not filed a Response or made any other submission in this case and so it does not contest any of this. Further, reference may be made to the WHOIS record when considering this issue. MAJE v. enchong lin, 102382 (CAC April 14, 2019) (“panels have held that a Respondent was not commonly known by a disputed domain name if the WHOIS information was not similar to the disputed domain name.”). The WHOIS record for the disputed domain name lists the Registrant Name as “Francesco Tripepi” and the Registrant Organization as “FASST LLC”. These names bear no resemblance to the Complainant’s trademark or to the disputed domain name and the Respondent has not submitted any claim or evidence that it is known otherwise. As such, the Panel finds no evidence upon which to conclude that the Respondent is commonly known by the disputed domain name.

Next, under Paragraphs 4(c)(i) and 4(c)(iii) of the Policy the Panel considers whether the Respondent is using the disputed domain name to make a bona fide offering of goods or services or whether it is making a legitimate non-commercial or fair use of the disputed domain name. Resolving a confusingly similar domain name to a classic pay-per-click page with competing monetized links is typically not considered to be a bona fide use of a domain name. See, Casetagram Limited v. Zhichao, 108388 (CAC March 6, 2026) (“the disputed domain name was used to resolve to a website featuring pay-per-click links to third-party websites competing directly with the Complainant's business (offering the phone and tablet cases), which does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use.”). Here, the Complainant has submitted screenshots of the website resolution for the disputed domain name which shows sponsored links such as "Prescription Medicines", "Pain Meds Online", and “Medication Side Effects”. The Respondent has not offered any explanation for its use of the disputed domain name and the Panel notes the distinctiveness and global reputation of the Complainant’s trademark. Considering the available evidence, it is apparent to the Panel that the Respondent is not using the disputed domain name for a bona fide offering of goods or services or in connection with a legitimate non-commercial or fair use under Paragraphs 4(c)(i) and 4(c)(iii) of the Policy.

For all of the above-stated reasons, this Panel finds, by a preponderance of the evidence, that the Complainant has met its burden of proof and that the Respondent has not refuted this. Thus, the Panel determines that the Respondent has no rights or legitimate interests in respect to the disputed domain name under Paragraph 4(a)(ii) of the Policy.

3. The disputed domain name was registered and is being used in bad faith

Under paragraph 4(a)(iii) of the Policy, the complainant must demonstrate both that the domain name was registered and is being used in bad faith. Further guidance on that requirement is found in paragraph 4(b) of the Policy, which sets out four examples of actions by a respondent that may satisfy this burden of proof.

A threshold question is whether, at the time that it registered the disputed domain name, Respondent was aware of the Complainant’s trademarks. The registration of the Complainant's trademarks preceded the creation of the disputed domain name by many years. Further, the Complainant asserts that the NOVARTIS trademark is well-known and, in support, it submits images from its own <novartis.com> website (both in English and in Spanish), select pages from its 2025 Annual Report, as well as pages of its accounts on popular social media channels such as LinkedIn, YouTube, Facebook, Instagram, and X. The evidence submitted in this case indicates a high likelihood that the Respondent had actual knowledge of the Complainant’s trademark and leads the Panel to find that the disputed domain name was registered in bad faith.

Next, attention is given to the Complainant’s claim that the Respondent uses the disputed domain name in bad faith. The disputed domain name resolves to a classic pay-per-click website with links to third-party commercial sites in the healthcare and pharmaceutical fields. It has been held in prior UDRP decisions that such use of a well-known domain name constitutes of bad faith under paragraphs 4(b)(iii) and 4(b)(iv) of the Policy. See, e.g., LyondellBasell Industries Holdings B.V. v. Ferreira Margue, 102312 (CAC September 26, 2025) (“the Respondent presumably gains pay-per-click fees and thus derives commercial benefits by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website or of a product or service thereon. Accordingly, the Panel finds that the Respondent registered and used the disputed domain name in bad faith under Policy paragraph 4(b)(iii) and 4(b)(iv).”). As noted above, the Complainant has submitted evidence of the well-known reputation of its trademark and the disputed domain name resolves to a website with links to third-party commercial sites titled variously as "Prescription Medicines", "Pain Meds Online", and “Medication Side Effects”. On this basis, the Panel finds that the Complainant has satisfied the elements of paragraphs 4(b)(iii) and 4(b)(iv) of the Policy and that the disputed domain name was registered and is used in bad faith.

Further, the Complaint asserts that there are Mail Exchange (MX) records associated with the disputed domain name. Such activity, when viewed in combination with all the facts of a given case, has been held to demonstrate bad faith use of a domain name that is confusingly similar to a complainant's trademark. COMPAGNIE DE SAINT-GOBAIN v. tech sili (Techsili), 106449 (CAC May 28, 2024) (“Configuration of MX records for e-mail purposes is indicative of potential fraudulent use of the disputed domain name, such as spam and phishing, and can lead to the finding of bad faith, as established by previous panels (CAC Case No. 102827 and CAC Case No. 102380).”). The Complainant asserts that the Respondent may be seeking commercial gain based on confusion with the trademark and that the existence of MX records indicates a risk that the Respondent may be engaging in e-mail phishing or other fraudulent impersonation activities. Based on the foregoing arguments and a preponderance of the submitted evidence, the Panel finds that the existence of MX records further supports its conclusion that the disputed domain name is mostly likely being used to seek commercial gain based on a likelihood of confusion with the Complainant’s well-known trademark under paragraph 4(b)(iv) of the Policy.

Finally, the Complainant notes that it sent a cease-and-desist letter to the Respondent identifying the NOVARTIS trademark but the Respondent did not reply. A respondent’s failure to engage with a dispute can, after taking into account all the circumstances of a case, can lend support to a claim of bad faith. See B&Q Limited v. NIL / Maria Kristensen / Troy R Palmer / Avendano Derek, 108405 (CAC March 18, 2026) (“The Panel also notes that the Respondent failed to reply to the Complainant's cease-and-desist efforts and has remained silent throughout these administrative proceedings. While failure to respond does not in itself establish bad faith, in the context of this case - where the evidence of targeting and impersonation is compelling, it allows the Panel to draw a negative inference.”). Under all of the circumstances of the present case, the Panel finds that the Respondent’s failure to reply to the Complainant’s cease and desist letter further supports the finding that the Respondent acted in bad faith when it registered and used the disputed domain name.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **novartis-rd.com**: Transferred

PANELLISTS

Name	**Steven Levy**

DATE OF PANEL DECISION 2026-07-21

Publish the Decision