

Decision for dispute CAC-UDRP-108854

Case number CAC-UDRP-108854

Time of filing 2026-07-22 09:05:53

Domain names spiriva.store

Case administrator

Name Olga Dvořáková (Case admin)

Complainant

Organization Boehringer Ingelheim Pharma GmbH & Co KG

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 is the owner of several trademark registrations for the SPIRIVA trademark, including in particular:

- International Trademark Registration No. 692353 for SPIRIVA, registered on 1 April 1998 in Class 5; and
- European Union Trademark Registration No. 000789529 for SPIRIVA, registered on 16 June 1999 in Class 5.

The Complainant has also submitted evidence of longstanding use of the SPIRIVA trademark in connection with pharmaceutical products, including a Trademark Clearinghouse proof-of-use declaration and supporting documentation.

The Complainant also owns the domain name <spiriva.com>, registered since 15 February 1999.

The Complainant's above-mentioned rights are hereinafter collectively referred to as the SPIRIVA Trademark.

FACTUAL BACKGROUND

The Complainant is a German family-owned pharmaceutical group of companies with roots dating back to 1885. Since then, it has developed into a global research-driven pharmaceutical enterprise operating in the areas of human pharmaceuticals and animal health. The Complainant currently employs approximately 54,300 people and, in 2025, achieved net sales of approximately EUR 27.8

billion.

The Complainant uses the SPIRIVA Trademark in connection with its pharmaceutical product containing tiotropium bromide, which is used for the treatment of chronic obstructive pulmonary disease (COPD). The SPIRIVA product has been marketed under the SPIRIVA Trademark in numerous countries.

The disputed domain name was registered on 19 July 2026. According to the Registrar Verification, the Respondent is Gina Yu, located in China.

The disputed domain name currently resolves to the Registrar's parking page, indicating that the domain name is registered and may be available for acquisition.

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 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 4(a) of the Policy requires the Complainant to prove each of the following three elements:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

I. THE COMPLAINANT'S RIGHTS AND THE IDENTITY OF THE DISPUTED DOMAIN NAME TO THE COMPLAINANT'S MARK

The first element of the Policy serves essentially as a standing requirement.

The test for identity or confusing similarity involves a straightforward, reasoned comparison between the complainant's trademark and the disputed domain name. This typically entails a side-by-side evaluation of the domain name and the textual elements of the relevant trademark to determine if the mark is recognizable within the domain name. When a domain name fully incorporates a

trademark, or at least a dominant feature of it is evident in the domain name, the domain name is generally deemed confusingly similar to the mark for the purposes of the first element.

The top-level domain (TLD) is usually disregarded in determining identity or similarity, as it is simply a technical aspect of registration.

The Complainant has established rights in the SPIRIVA Trademark through its trademark registrations.

The disputed domain name incorporates the SPIRIVA Trademark in its entirety and without alteration. The only additional element is the ".store" TLD, which is disregarded for the purpose of assessing identity or confusing similarity under the first element of the Policy.

Accordingly, the Panel finds that the disputed domain name is identical to the SPIRIVA Trademark for the purposes of Paragraph 4(a)(i) of the Policy.

II. THE RESPONDENT'S LACK OF RIGHTS OR LEGITIMATE INTERESTS IN THE DISPUTED DOMAIN NAME

Under 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.

Although the overall burden of proof rests with the Complainant, panels have consistently recognized that proving a respondent's lack of rights or legitimate interests may result in the difficult task of proving a negative. Accordingly, where a complainant establishes a prima facie case that the respondent lacks rights or legitimate interests, the burden of production shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name.

The Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in respect of the disputed domain name.

The Respondent is not affiliated with the Complainant and has not been licensed or otherwise authorised to use the SPIRIVA Trademark or to register a domain name incorporating it. There is also no evidence that the Respondent is commonly known by the disputed domain name or has acquired any trademark rights corresponding to it.

The disputed domain name currently resolves to the Registrar's parking page. There is no evidence that, before notice of the dispute, the Respondent used, or made demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. Nor is there any evidence of a legitimate noncommercial or fair use of the disputed domain name.

Moreover, the disputed domain name is identical to the SPIRIVA Trademark. Previous UDRP panels have consistently held that a domain name identical to a complainant's trademark carries a high risk of implied affiliation. In the present case, the ".store" TLD may further reinforce such risk by suggesting a website through which products bearing the SPIRIVA Trademark are offered for sale.

Having regard to the distinctive nature and reputation of the SPIRIVA Trademark and to the composition of the disputed domain name, the Panel cannot identify any plausible use of the disputed domain name by the Respondent that would confer rights or legitimate interests and would not create a misleading impression of association with the Complainant or otherwise target the SPIRIVA Trademark.

The Respondent has not submitted a Response and has therefore failed to rebut the Complainant's prima facie case or otherwise demonstrate any rights or legitimate interests in the disputed domain name.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name within the meaning of Paragraph 4(a)(ii) of the Policy.

III. THE REGISTRATION AND USE OF THE DISPUTED DOMAIN NAME IN BAD FAITH

Under 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.

UDRP panels have consistently held that the mere registration of a domain name identical or confusingly similar to a famous or widely known trademark by an unaffiliated entity may, in itself, constitute evidence of bad faith registration.

As for the bad faith registration, the Panel notes that the Complainant's rights in the SPIRIVA Trademark substantially predate the registration of the disputed domain name. The evidence submitted by the Complainant also demonstrates longstanding use of the SPIRIVA Trademark in connection with its pharmaceutical products and supports the Complainant's contention that the trademark has acquired a significant reputation.

The disputed domain name reproduces the SPIRIVA Trademark identically, without any additional element apart from the ".store" TLD. SPIRIVA is a distinctive term, and the Panel finds it implausible that the Respondent selected and registered the disputed domain name without knowledge of the Complainant and its SPIRIVA Trademark. The ".store" TLD further reinforces the potential association with a commercial source for products bearing the SPIRIVA Trademark.

In these circumstances, and in the absence of any explanation from the Respondent, the Panel finds that the Respondent registered the disputed domain name with the Complainant and its SPIRIVA Trademark in mind and therefore in bad faith.

As for the bad faith use, the disputed domain name currently resolves to the Registrar's parking page. The Panel notes that the disputed domain name was registered shortly before the commencement of these proceedings. While the absence of an active website within such a short period of time does not, in itself, constitute evidence of bad faith, according to the well-established passive holding doctrine (Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003), the passive holding of a domain name does not preclude a finding of bad faith, depending on the circumstances of the case.

In the present case, the Panel takes into account the distinctive nature and reputation of the SPIRIVA Trademark, the identity between the SPIRIVA Trademark and the second-level portion of the disputed domain name, the ".store" TLD and its potential association with a commercial source for products bearing the SPIRIVA Trademark, the absence of any relationship between the Respondent and the Complainant, and the Respondent's failure to submit a Response or otherwise provide any explanation for the registration and intended use of the disputed domain name. In view of these circumstances, the Panel cannot conceive of any plausible actual or contemplated good faith use of the disputed domain name by the Respondent that would not target the SPIRIVA Trademark or misleadingly suggest an affiliation with the Complainant.

Accordingly, considering all the circumstances of the case, the Panel finds that 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.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

- 1. **spiriva.store**: Transferred

PANELLISTS

Name	Ivett Paulovics
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DATE OF PANEL DECISION 2026-08-22

Publish the Decision