Decision for dispute CAC-UDRP-108945

Case number	CAC-UDRP-108945
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Domain names	biomerieux-spa.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	bioMérieux

Complainant representative

Organization	Plasseraud IP

Respondent

Organization	Electrolux Appliances S.p.A.

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 has demonstrated rights in the BIOMERIEUX trademark, including, inter alia:

- International Trademark Registration No. 933598 for BIOMERIEUX, registered on 12 June 2007 in Classes 1, 5, 9 and 10; and
- European Union Trademark Registration No. 017912668 for BIOMERIEUX, registered in 2018 in Classes 1, 5, 9, 10, 35, 37, 41, 42 and 44.

The Complainant has also referred to its rights in the company/trade name BIOMERIEUX, including its French company name registered since 1988.

The Panel further notes that previous UDRP panels have repeatedly recognised the BIOMERIEUX trademark as distinctive and well known, particularly in the medical and diagnostic field.

FACTUAL BACKGROUND

The Complainant, bioMérieux, is a French multinational company active in the field of biotechnology and diagnostic solutions. It was founded in 1963 and operates internationally, serving more than 160 countries through its subsidiaries and distributors.

The Complainant owns numerous trademark registrations for the name BIOMERIEUX, as well as a portfolio of domain names incorporating its trademark, including <biomerieux.com>, registered in 1996, and <biomerieuxspa.com>, registered in 2023.

The disputed domain name <biomerieux-spa.com> was registered on 29 July 2026.

According to the Registrar verification, the Respondent is identified as Electrolux Appliances S.p.A. / Ionut Florin Pirgaru, with an address in Romania.

The disputed domain name does not resolve to an active website. MX records have, however, been configured for the disputed domain name.

PARTIES CONTENTIONS

Complainant:

The Complainant contends that the disputed domain name is confusingly similar to its BIOMERIEUX trademark. The disputed domain name incorporates the trademark in its entirety and merely adds the term “spa”, together with the “.com” generic Top-Level Domain.

The Complainant submits that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has not been authorised to use the BIOMERIEUX trademark, is not commonly known by the disputed domain name and is not making any bona fide or legitimate noncommercial use thereof.

Finally, the Complainant submits that the disputed domain name was registered and is being used in bad faith. In particular, it relies upon the distinctive and well-known character of the BIOMERIEUX trademark, the passive holding of the disputed domain name, the configuration of MX records, inconsistencies in the Respondent's registration information and the Respondent's alleged involvement in a previous UDRP proceeding.

The Complainant requests transfer of the disputed domain name.

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 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

Rights

The Panel finds that the Complainant has established rights in the BIOMERIEUX trademark for the purposes of paragraph 4(a)(i) of the Policy. While the Complainant asserts longstanding use of BIOMERIEUX as a company name in numerous jurisdictions, the evidence of such continuous use is less developed than the evidence concerning its registered trademark rights. This does not affect the outcome of the present proceeding, since the Complainant's registered trademark rights are sufficient for the purposes of paragraph 4(a)(i) of the Policy.

Taking into account the above-mentionned, the Panel finds that the disputed domain name incorporates the Complainant's BIOMERIEUX trademark in its entirety. Although it is followed by the term “spa”, the Panel considers that this does not prevent a finding of confusing similarity. In fact, in the context of the disputed domain name, the term may readily be understood as a reference to a corporate legal form, notably the Italian “Società per Azioni”, and is therefore of a generic or descriptive nature. This interpretation is particularly pertinent given that the Respondent itself is identified in the Registrar information as “Electrolux Appliances S.p.A.”

In any event, the BIOMERIEUX trademark remains clearly recognisable within the disputed domain name. The addition of a generic or descriptive term does not prevent a finding of confusing similarity under paragraph 4(a)(i) of the Policy.

The “.com” gTLD is disregarded for purposes of the comparison.

The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights and that the requirements of paragraph 4(a)(i) of the Policy have been satisfied.

No Rights or Legitimate Interests

The Panel finds that the Complainant has made out a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

There is no evidence that the Respondent has been authorised, licensed or otherwise permitted by the Complainant to use the BIOMERIEUX trademark.

The Respondent is identified as Electrolux Appliances S.p.A. / Ionut Florin Pirgaru, and there is no evidence that the Respondent is commonly known by the disputed domain name or by the designation BIOMERIEUX. Nor is there evidence of any trademark rights held by the Respondent in BIOMERIEUX or BIOMERIEUX SPA.

Furthermore, the disputed domain name does not resolve to an active website. There is therefore no evidence before the Panel of its use, or demonstrable preparations for its use, in connection with a bona fide offering of goods or services or for a legitimate noncommercial or fair purpose.

The composition of the disputed domain name is also relevant. It consists of the Complainant's distinctive trademark in its entirety together with the generic corporate-form term “spa”. In the circumstances of the present case, such composition carries a significant risk of implied affiliation with the Complainant rather than suggesting any independent legitimate meaning.

The Respondent has failed to submit a Response and has therefore not rebutted the Complainant's prima facie case.

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

Bad Faith

The Panel finds that the disputed domain name was registered and is being used in bad faith.

The disputed domain name was registered in July 2026, many years after the Complainant acquired its trademark rights in BIOMERIEUX.

BIOMERIEUX is a highly distinctive term. Moreover, its reputation is not established merely by the Complainant's assertions. Previous UDRP panels have repeatedly recognised the BIOMERIEUX trademark as distinctive and well known in the medical and diagnostic field. For example, in bioMérieux v. Nish Patel – Ready Asset, WIPO Case No. D2014-0899, the panel expressly found that the Complainant had established that its BIOMERIEUX mark was well known. Subsequent UDRP decisions have reached the same or comparable conclusions.

Against that background, the Panel considers it implausible that the Respondent independently selected the distinctive term “biomerieux” without knowledge of the Complainant and its trademark.

The circumstances surrounding the Respondent's registration details further support this conclusion. The Registrar identified the Respondent as “Electrolux Appliances S.p.A.” at an address in Romania. The evidence submitted by the Complainant indicates, however, that the genuine company Electrolux Appliances S.p.A. is an Italian company, while the Romanian address appears to be associated with an individual business bearing the name of Ionut Florin Pirgaru and operating in an unrelated agricultural field. The telephone number provided also uses a United Kingdom rather than Romanian country code.

The Panel considers these inconsistencies in the registration information to constitute an additional factor supporting a finding of bad faith.

As regards use, the disputed domain name is presently inactive. However, non-use of a domain name does not prevent a finding of

bad faith under the doctrine of passive holding.

In the present case, the Panel takes into account, in particular, the distinctive and well-known character of the BIOMERIEUX trademark, the absence of any rights or legitimate interests on the part of the Respondent, the composition of the disputed domain name, the Respondent's failure to provide any explanation or evidence of contemplated good-faith use, and the inconsistencies in the Respondent's registration information.

Taken together, these circumstances make any plausible good-faith use of the disputed domain name difficult to conceive.

The Panel further notes that MX records have been configured for the disputed domain name. While the mere existence of MX records does not by itself establish that the disputed domain name has actually been used for fraudulent email communications, it demonstrates that the disputed domain name is technically capable of being used for email. Given that the disputed domain name incorporates the Complainant's distinctive and well-known trademark in its entirety, such use would create a material risk of confusion or likelihood of association.

The Panel therefore finds that the disputed domain name was 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. **biomerieux-spa.com**: Transferred

PANELLISTS

Name	**Hana Číslerová**

DATE OF PANEL DECISION 2026-09-18

Publish the Decision