

## ADMINISTRATIVE PANEL DECISION

Sanofi v. 石磊 (Lei Shi)  
Case No. D2023-2264

### 1. The Parties

The Complainant is Sanofi, France, represented by Selarl Marchais & Associés, France.

The Respondent is 石磊 (Lei Shi), China.

### 2. The Domain Name and Registrar

The disputed domain name <internalsurveyssanofi.com> is registered with Chengdu West Dimension Digital Technology Co., Ltd. (the “Registrar”).

### 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on May 24, 2023. On May 25, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 26, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Redacted For Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 31, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint in English on May 31, 2023.

On May 31, 2023, the Center transmitted an email communication to the Parties in English and Chinese regarding the language of the proceeding. On May 31, 2023, the Complainant submitted its request that English be the language of the proceeding. The Respondent did not comment on the language of the proceeding.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent in English and Chinese of the Complaint, and the proceedings commenced on June 7, 2023. In accordance with the Rules, paragraph 5, the due date for Response was June 27, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 28, 2023.

The Center appointed Rachel Tan as the sole panelist in this matter on July 5, 2023. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

#### 4. Factual Background

The Complainant is a pharmaceutical company headquartered in Paris, France. It engages in the research and development, manufacturing, and marketing of pharmaceutical products for sale. It is a multinational company with operations in more than 100 countries employing around 100,000 people.

The Complainant is the owner of a range of trade mark registrations for SANOFI across different jurisdictions. For example, French Trade Mark Registration No. 96655339, registered on December 11, 1996 in classes 1, 3, 5, 9, 10, 35, 40 and 42; European Union Trade Mark Registration No. 010167351, registered on January 7, 2012 in classes 3 and 5; and Chinese Trade Mark Registration No. 7993681, registered on February 7, 2011 in class 5.

The Complainant is the owner of several domain names incorporating the SANOFI mark, such as <sanofi.com> registered on October 13, 1995 and <sanofi.cn> registered on April 28, 2004.

The Respondent is 石磊 (Lei Shi), China.

The disputed domain name was registered on April 21, 2023. At the time of filing the Complaint and the date of this Decision, the disputed domain name resolves to an active pay-per-click (“PPC”) webpage that lists out multiple third-party links related to different advertisements covering contents such as “Paid Surveys”, “Customer Satisfaction Survey” and “Customer Survey”.

#### 5. Parties' Contentions

##### A. Complainant

The Complainant contends that the disputed domain name reproduces the SANOFI mark. Regardless of the generic and descriptive English terms “internal” and “surveys” and the generic Top-Level Domain (“gTLD” extension) “.com”, the distinctive and dominant part of the disputed domain name is confusingly similar to the SANOFI mark. Further, the inclusion of the generic terms “internal” and “surveys” increases the inherent risk of confusion, leading people to think that the disputed domain name is in some way linked to the Complainant.

The Complainant further alleges that the Respondent does not have any legitimate interest regarding the disputed domain name. The Respondent has neither prior right nor legitimate interest to justify the use of the already well-known and worldwide trade marks and domain names of the Complainant. The Complainant has never licensed or otherwise authorized the Respondent to use its trade marks or to register any domain name including its trade marks. Further, the disputed domain name refers to an inactive parking page and has been registered only for the purpose of attracting Internet users into clicking on the sponsored links. The PPC links in the parking page displays to internet users links related to products sold by competitors of the Complainant. Hence, the Respondent is not making legitimate noncommercial or fair use of the disputed domain name nor using the disputed domain name in connection with a *bona fide* offering of goods or services.

The Complainant finally asserts that the Respondent has registered the disputed domain name in bad faith. The Respondent has neither prior right nor legitimate interest to justify the registration or use of the already well-known and worldwide trade marks and domain names of the Complainant. Given the reputation of the SANOFI mark, the Respondent is likely to have notice of the existence of the Complainant's marks. Further, the disputed domain name leads to a parking website and has been registered only for the purpose of

unfairly attracting the Complainant's consumers. This demonstrates that it was registered for the sole purpose of misleading and diverting consumers into thinking that the Respondent is, in some way or another, connected to, sponsored by or affiliated with the Complainant and its business; or that the Respondent's activities are approved or endorsed by the Complainant.

## **B. Respondent**

The Respondent did not reply to the Complainant's contentions.

## **6. Discussion and Findings**

### **6.1 Preliminary Issue: Language of the Proceeding**

Initially, the Panel must address the language of the proceeding. Paragraph 11(a) of the Rules provides that the language of the administrative proceeding shall be the language of the Registration Agreement unless otherwise agreed by the parties, subject to the authority of the panel to determine otherwise, having regard to the circumstances of the administrative proceeding. The panel may choose to write a decision in either language, or request translation of either party's submissions.

In this case, the Registrar has confirmed to the Center that the language of the Registration Agreement as used by the registrant for the disputed domain name is Chinese. However, the Complainant has requested that English be adopted as the language of the proceeding for the reasons summarized below:

- (a) the Complainant is not able to communicate in Chinese;
- (b) the disputed domain name comprises an exact reproduction of the Complainant's SANOFI trade mark combined with the English descriptive words "internal" and "surveys";
- (c) the disputed domain name is registered in Latin characters rather than Chinese script and the Registrant has not chosen a ".cn" but a mere generic extension;
- (d) the proceeding would be unduly delayed, and the Complainant would have to incur substantial expenses for translating all the documents into Chinese; and
- (e) the disputed domain name was registered through Chengdu West Dimension Digital Technology Co., Ltd., which is a corporate company incorporating the English acronyms and words "Digital"; "Technology" and "Ltd" (Limited).

It is established practice to take paragraphs 10(b) and (c) of the Rules into consideration for the purpose of determining the language of the proceeding, in order to ensure fairness to the parties and the maintenance of an inexpensive and expeditious avenue for resolving domain name disputes. Language requirements should not lead to undue burdens being placed on the parties and undue delay to the proceeding. The Panel has considered the above circumstances, and finds that English shall be the language of this proceeding. The reasons are set out below:

- (a) the Complainant is a company based in France. Requiring the Complainant to submit documents in Chinese would lead to delay and cause the Complainant to incur translation expenses;
- (b) the Respondent's choice of Roman letters for the disputed domain name and the website with PPC links in English which the disputed domain name resolves to indicate that the Respondent is familiar with the English language;
- (c) even if the Respondent does not possess a sufficient command of English to understand the Complaint, there were ample opportunities for the Respondent to raise an objection. The Center

notified the Parties in English and Chinese of the Complainant's request for English to be the language of the proceeding, but the Respondent did not protest against this request;

- (d) the Respondent has failed to participate in the proceeding even though the Center sent the notification in English and Chinese of the Complaint, and indicated that the Response may be submitted in Chinese or English; and
- (e) the Complaint has been submitted in English. No foreseeable procedural benefit may be served by requiring Chinese to be used. On the other hand, the proceeding may proceed expeditiously in English.

Accordingly, the Panel will proceed with issuing this Decision in English.

#### **A. Identical or Confusingly Similar**

The Panel is satisfied that the Complainant has adduced evidence to demonstrate its established rights in the SANOFI mark.

The Panel notes the disputed domain name is comprised of the SANOFI mark in its entirety. In cases where a domain name incorporates the entirety of a trade mark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing. See section 1.7 of the [WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition \("WIPO Overview 3.0"\)](#).

Further, it is accepted by previous UDRP panels that the addition to the complainant's trade mark of other words or terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element of the Policy. Accordingly, the additional elements "internal" and "surveys" do not prevent a finding of confusing similarity between the disputed domain name and the Complainant's SANOFI mark. See section 1.8 of the [WIPO Overview 3.0](#).

Lastly, it is permissible for the Panel to ignore the gTLD, in this case ".com". See section 1.11.1 of the [WIPO Overview 3.0](#). Consequently, the Panel finds that the disputed domain name is confusingly similar to the Complainant's mark.

Accordingly, the Panel finds that the Complainant has satisfied the first element under paragraph 4(a) of the Policy.

#### **B. Rights or Legitimate Interests**

In circumstances where the Complainant possesses rights to the SANOFI mark whereas the Respondent seems to have no trade mark rights, and considering the facts and arguments set out above, the Panel is satisfied that the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name, and the burden of production shifts to the Respondent. See section 2.1 of the [WIPO Overview 3.0](#).

The Respondent has not provided evidence of a legitimate use of the disputed domain name or reasons to justify the choice of a domain name that is identical or confusing similar to the Complainant's SANOFI mark. Further, there is no indication to show that the Respondent is commonly known by the disputed domain name or otherwise has rights or legitimate interests in it. In addition, the Complainant has not granted the Respondent a license or authorization to use the Complainant's marks or register the disputed domain name. The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name in the terms of paragraph 4(c)(iii) of the Policy since at the time of filing the Complaint and, at the date of this Decision, the disputed domain name resolves to a PPC website with links to third party websites, some of which are related to the Complainant's business. Such usage may reasonably be assumed to be commercial in its intent and effect. Prior UDRP panels have found that the use of a domain name to host a

parked page comprising PPC links does not represent a *bona fide* offering of goods or services where such links compete with or capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users. See section 2.9 of the [WIPO Overview 3.0](#).

Therefore, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name. Accordingly, the Panel finds that the Complainant has satisfied the second element under paragraph 4(a) of the Policy.

### **C. Registered and Used in Bad Faith**

The Complainant's SANOFI mark has been registered in range of jurisdictions, including in China. The disputed domain name was registered long after the registration of the Complainant's SANOFI mark. Through extensive use and advertising, the Complainant's SANOFI mark is known throughout the world. Search results using the key word "sanofi" on the Internet search engine direct Internet users to the Complainant and its business, which indicates that an exclusive connection between the SANOFI mark and the Complainant has been established. As such, the Respondent either knew or should have known of the Complainant's SANOFI mark when registering the disputed domain name, and has exercised "the kind of willful blindness that numerous panels have held support a finding of bad faith". See *Barclays Bank PLC v. Andrew Barnes*, WIPO Case No. [D2011-0874](#).

Section 3.1.4 of the [WIPO Overview 3.0](#) states that "[...] mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith". In this case, the disputed domain name is confusingly similar to the widely known SANOFI mark and was registered by the Respondent who has no relationship with the Complainant, which means that a presumption of bad faith can be created.

Section 3.5 of the [WIPO Overview 3.0](#) states that "[p]articularly with respect to 'automatically' generated pay-per-click links, panels have held that a respondent cannot disclaim responsibility for content appearing on the website associated with its domain name (nor would such links ipso facto vest the respondent with rights or legitimate interests)". The Panel notes that the disputed domain name resolves to a parked page comprising PPC advertising links that divert Internet users to various contents, some of which are related to the Complainant's business. The Panel finds the use of the confusingly similar disputed domain name to lure Internet users to third-party websites is evidence of bad faith. See *Sodexo v. 杨智超 (Zhi Chao Yang)*, WIPO Case No. [D2020-1171](#).

The Respondent has kept silent in the face of the Complainant's allegations of bad faith. Taking into account these circumstances, the Panel finds that the Respondent must have known of the Complainant before registering the disputed domain name and, considering the Respondent's lack of rights or legitimate interests, and by registering and using the disputed domain name as discussed above, the Panel is led to conclude that the disputed domain name was registered and is being used in bad faith.

Accordingly, the Panel finds that the Complainant has satisfied the third element under paragraph 4(a) of the Policy.

### **7. Decision**

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name, <internalsurveyssanofi.com>, be cancelled.

/Rachel Tan/

**Rachel Tan**

Sole Panelist

Date: July 19, 2023