

ADMINISTRATIVE PANEL DECISION

Regeneron Pharmaceuticals, Inc. v. Domain Administrator, See
PrivacyGuardian.org / tech Anderson
Case No. D2022-3135

1. The Parties

The Complainant is Regeneron Pharmaceuticals, Inc., United States of America (“United States”), represented by Ruggiero McAllister & McMahon LLC, United States.

The Respondent is Domain Administrator, See PrivacyGuardian.org, United States / tech Anderson, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <regenerongroup.com> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 25, 2022. On August 25, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 25, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on August 26, 2022 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 amended Complaint on August 29, 2022.

The Center verified that the Complaint together with the amended 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 of the Complaint, and the proceedings commenced on September 9, 2022. In accordance with the Rules, paragraph 5, the due date for Response was September 29, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 4, 2022.

The Center appointed Alistair Payne as the sole panelist in this matter on October 13, 2022. 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 biopharmaceutical company based in the United States. It trades under the coined REGENERON mark which it has used since 1988. It registered United States mark number 1654595 on August 20, 1991 and has owned the <regeneron.com> domain name since 1997 from which it hosts its main website since 2002.

The disputed domain name was registered on July 28, 2022 and redirects to the Complainant's own website.

5. Parties' Contentions

A. Complainant

The Complainant submits that it owns registered trade mark rights for its REGENERON trade mark as set out above and that it is wholly contained within the disputed domain name. It submits that the word "group" is a generic non-distinctive term and that it does not distinguish the REGENERON mark from the disputed domain name.

The Complainant submits that there is no relationship between the Complainant and the Respondent giving rise to any licence, permission, or other right by which the Respondent could own or use any domain names incorporating a variation of the Complainant's REGENERON trade mark. It asserts that the disputed domain name is not, nor could it be contended to be, the name or nickname of the Respondent and it is not in any other way identified with or related to any rights or legitimate interests of the Respondent. The Complainant asserts that the Respondent is not making any legitimate or fair use of the disputed domain name but is rather automatically redirecting to the Complainant's website page and that this is for the illegitimate purpose of confusing Internet users into mistakenly believing that the disputed domain name is somehow owned by, affiliated with, or sponsored / endorsed by the Complainant, when it is not. The Complainant hypothesizes that this is presumably for some type of fraudulent or phishing activity or illicit financial gain.

The Complainant asserts that the REGENERON trade mark is a coined word that is solely distinctive of the Complainant. The fact that the Respondent chose to register the disputed domain name consisting of this coined trade mark clearly demonstrates the Respondent's awareness of the Complainant's name and business and desire to capitalise on the goodwill associated with the REGENERON trade mark.

The Complainant notes that its REGENERON name and mark has generated very considerable publicity and has been widely advertised and promoted since the founding of the business in 1988. It says that the Respondent must have been aware of it, or at the least had constructive notice of it, as a consequence of its trade mark and domain name registrations.

It says that the disputed domain name was registered and is being used in bad faith to automatically redirect to the Complainant's website page for the purpose of confusing Internet users into mistakenly believing that the disputed domain name is somehow owned by, affiliated with, or sponsored / endorsed by the Complainant, when this is not the case and that this activity is presumably for the purposed of some type of fraudulent or phishing activity or illicit financial gain. The Complainant notes that automatic redirection to the Complainant's website has been found to be clear evidence of bad faith. See *Bureau Veritas v. Xavier Garreau*, WIPO Case No. [D2017-1570](#); *Altavista Company v. Brunosousa, aka Bruno Sousa*, WIPO Case No. [D2002-0109](#). The Complainant further notes that its counsel sent a cease and desist letter to the Respondent on July 28, 2022, but that the Respondent never responded which it says is also evidence of bad faith.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has demonstrated that it owns various registered trade mark rights for REGENERON and in particular, United States trade mark registration 1654595 registered on August 20, 1991. The Complainant's mark is wholly contained within the disputed domain name and the latter is therefore confusingly similar to the Complainant's registered trade mark. The addition of the English term "group" does not prevent a finding of confusing similarity.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's registered trade mark for Regeneron and the Complaint succeeds under this element of the Policy.

B. Rights or Legitimate Interests

The Complainant has submitted that there is no relationship between the Complainant and the Respondent that gives rise to any licence, permission, or other right by which the Respondent could own or use any domain name that incorporates a variation of the Complainant's REGENERON trade mark. It has asserted that the disputed domain name is not, nor could it be contended to be, the name or nickname of the Respondent and that it is not in any other way identified with or related to any rights or legitimate interests of the Respondent. The Complainant has asserted that the Respondent is not making any legitimate or fair use of the disputed domain name but is rather automatically redirecting to the Complainant's website page and that this is for the illegitimate purpose of confusing Internet users into mistakenly believing that the disputed domain name is somehow owned by, affiliated with, or sponsored / endorsed by the Complainant, when this is not the case. Further, the Respondent has failed to explain its conduct, whether in response to the cease and desist letter, or in response to the Complaint.

In these circumstances 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. The Respondent has failed to respond to or to rebut the Complainant's case and for these reasons and for the reasons set out under Part C below, the Panel finds that the Complaint also succeeds under this element of the Policy.

C. Registered and Used in Bad Faith

The disputed domain name was registered on July 28, 2022 decades after the registration of the Complainant's United States trade mark and after it first started using the Regeneron mark as part of its <regeneron.com> domain and on its website. The REGENERON mark is highly distinctive and is well reputed internationally. Considering also that the disputed domain name redirects to the Complainant's own website at "regeneron.com" there is a very strong inference that the Respondent was well aware of the Complainant's business and REGENERON mark when it registered the disputed domain name.

The disputed domain name in this case is being used by the Respondent to redirect Internet users to the Complainant's website page as if the disputed domain name was owned or authorised by the Complainant and without the Complainant's authority. As the Panel found in *Bureau Veritas v. Xavier Garreau*, WIPO Case No. [D2017-1570](#) such use cannot amount to use in good faith. In essence it amounts to building up a mistaken confidence in Internet users that they will always be redirected to the Complainant's website when in reality they may in the future be diverted by the Respondent to competing websites (see *Altavista Company v. Brunosousa, aka Bruno Sousa*, WIPO Case No. [D2002-0109](#)).

Further and as noted under Part B above, the Respondent has failed to explain its conduct, whether in response to the cease and desist letter, or in response to the Complaint which is further indicative of its bad faith as is the fact that the Respondent tried to mask its identity by using a privacy service.

The Panel therefore finds that the disputed domain name has been both registered and used in bad faith and that the Complaint also succeeds under this element 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 <regenerongroup.com> be transferred to the Complainant.

/Alistair Payne/

Alistair Payne

Sole Panelist

Date: October 27, 2022