

ADMINISTRATIVE PANEL DECISION

Walgreens Boots Alliance, Inc., Walgreen Co. v. Domains By Proxy, LLC /
daniel daniel
Case No. D2022-4116

1. The Parties

The Complainant is Walgreens Boots Alliance, Inc., Walgreen Co., United States of America (“United States”), represented by Winterfeldt IP Group PLLC, United States.

The Respondent is daniel daniel, Hong Kong, China.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 1, 2022. On November 2, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 3, 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 (Registration Private, DomainsByProxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 4, 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 November 8, 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 November 9, 2022. In accordance with the Rules, paragraph 5, the due date for Response was November 29, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 30, 2022.

The Center appointed Nayiri Boghossian as the sole panelist in this matter on July 4, 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 provides pharmacy and healthcare related services in nine countries in Europe and the United States. It was created in 2014 as a result of a merger. The Complainant owns many trademark registrations for WALGREENS BOOTS ALLIANCE such as United States registration No. 5433695 registered on March 27, 2018.

The disputed domain name was registered by on January 30, 2022, and resolves to an error page.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is confusingly similar to the Complainant's trademark. The disputed domain name incorporates the Complainant's trademark in its entirety adding the letters "wal", which are the first three letters of the Complainant's trademark. The Complainant's trademark remains recognizable. The generic Top-Level Domain ("gTLD") ".com" is not relevant in the assessment of confusing similarity.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant did not authorize the Respondent to use its trademark in the disputed domain name. The Respondent is not commonly known by the disputed domain name. Passive holding does not confer any rights or interests. There can be no credible and legitimate intent that would not capitalize on the reputation and goodwill of the Complainant's trademark.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. The disputed domain name resolves to an error page, which is passive holding that does not prevent a finding of bad faith given the fame of the Complainant's trademark, the Respondent's concealed identity and the implausibility of any good faith use. The Respondent intentionally attempted to attract Internet traffic for commercial gain by creating a likelihood of confusion with the Complainant's trademark. The mere registration of a domain name identical or confusingly similar to a well-known trademark by an unaffiliated entity can create a presumption 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 owns trademark registrations for WALGREENS BOOTS ALLIANCE. The Panel is satisfied that the Complainant has established its ownership of the trademark WALGREENS BOOTS ALLIANCE.

The disputed domain name incorporates the Complainant's trademark WALGREENS BOOTS ALLIANCE in its entirety. The letters "wal" do not prevent a finding of confusing similarity. The gTLD ".com" can be ignored when assessing confusing similarity as it is viewed as a standard registration requirement.

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

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make at least a *prima facie* showing that a respondent does not have any rights or legitimate interests in the disputed domain name. Once such showing is made, the burden of production shifts to the respondent. In the instant case, the Complainant asserts that the Respondent is not authorized by the Complainant to use its trademark and the Respondent is not commonly known by the disputed domain name. Therefore, the Complainant has established a *prima facie* case, and the burden of production shifts to the Respondent to show that it has rights or legitimate interests.

The absence of a response by the Respondent allows the Panel to draw inferences, and under the circumstances, the absence of a response leaves the Complainant's *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name unrebutted.

Consequently, the Panel finds that the Complainant has met the requirement under the Policy of showing that the Respondent does not have any rights or legitimate interests in the disputed domain name. Accordingly, the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Respondent must have been aware of the Complainant's trademark as the Complainant's trademark has been registered years before the disputed domain name was created. The disputed domain name resolves to an inactive website. Prior UDRP panels have found that passive holding does not prevent a finding of bad faith if the totality of circumstances supports an inference of bad faith. See section 3.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"). Noting the concealment of the Respondent's identity using a privacy service, the Respondent's failure to provide any good-faith explanation for his registration and use of the inherently misleading disputed domain name and the absence of a plausible use of the disputed domain name that would be legitimate (*Johnson & Johnson v. Daniel Wistbacka*, WIPO Case No. [D2017-0709](#)), the Panel finds that the current passive holding of the disputed domain name does not prevent the Panel's bad faith finding.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(iii) 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 <walgreensbootsalliancewal.com> be transferred to the Complainant.

/Nayiri Boghossian/

Nayiri Boghossian

Sole Panelist

Date: July 11, 2023