

ADMINISTRATIVE PANEL DECISION

Pfizer Inc. v. INTERNET DATA, smith, sfasdf sdfsaf, vxcv, dfsd dsfsdf and alex smith

Case No. D2023-1316

1. The Parties

Complainant is Pfizer Inc., United States of America (“United States”), represented by Arnold & Porter Kaye Scholer LLP, United States.

Respondents are INTERNET DATA, China, smith, United States, sfasdf sdfsaf, China, vxcv, dfsd dsfsdf, United States and alex smith, United States.

2. The Domain Names and Registrars

The disputed domain names <beautifulpfizertechnology.com>, <pfizerdevices.online>, <pfizertechnologies.com>, <pfizerhomesgroup.online>, <pfizerfinancial.online>, and <pfizermedicaldevices.online> are registered with Name.com, Inc.

The disputed domain names <onlinepfizer.capital>, <onlinepfizer.top>, <pfizeronline.top>, <pfizeronline.org>, and <pfizeronline.net> are registered with NameSilo, LLC.

The disputed domain name <onlinepfizer.live> is registered with NameCheap, Inc. The disputed domain name <pfizerinvestment.net> is registered with OwnRegistrar, Inc. The disputed domain names are hereinafter collectively referred to as the “Domain Names”.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 27, 2023 in respect of the above Domain Names and the Domain Name <onlinepfizerr.com>. On March 28, 2023, the Center transmitted by email to the Registrars requests for registrar verification in connection with the Domain Names. On March 29, 2023, the Registrar OwnRegistrar, Inc. transmitted by email to the Center its verification response confirming that Respondent smith is listed as the registrant of the Domain Name <pfizerinvestment.net> and its contact details.

On March 30, 2023, the Registrar Name.com, Inc. transmitted by email to the Center its verification response, confirming that Respondent INTERNET DATA is listed as the registrant of the Domain Names <beautifulpfizertechnology.com>, <pfizerdevices.online>, <pfizertechnologies.com>,

<pfizerhomesgroup.online>, <pfizerfinancial.online> and <pfizermedicaldevices.online>, and providing additional contact details. On March 28, 2023, the Registrars NameCheap, Inc. and NameSilo, LLC transmitted by email to the Center its verification responses, disclosing registrants and contact information for the remaining Domain Names which differed from the named Respondents (REDACTED FOR PRIVACY, Privacy service provided by Withheld for Privacy ehf, PrivacyGuardian.org llc, MELINDA MELENDEZ) and contact information in the Complaint.

The Center sent an email communication to Complainant on March 30, 2023, providing the registrants and contact information disclosed by the Registrars, and inviting Complainant to submit an amendment to the Complaint or to file a separate complaint for any domain name(s) for which it is not possible to demonstrate that all domain names are under common control. On April 6, 2023, the proceeding was suspended upon Complainant's request. On April 20, 2023, the proceeding was terminated in respect of the disputed domain name <onlinepfizerr.com>.

Complainant filed an amended Complaint on April 25, 2023.

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").

On May 3, 2023, the proceeding was reinstated and, in accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondents of the Complaint, and the proceedings commenced on the same day. In accordance with the Rules, paragraph 5, the due date for Response was May 23, 2023. Respondents did not submit any response. Accordingly, the Center notified Respondents' default on May 25, 2023.

The Center appointed Marina Perraki as the sole panelist in this matter on June 7, 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. Consolidation of Respondents

The Panel has considered the possible consolidation of the Complaint for the Domain Names at issue. According to WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2, "Where a complaint is filed against multiple respondents, panels look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. Procedural efficiency would also underpin panel consideration of such a consolidation scenario".

The (amended) Complaint concerns thirteen Domain Names, six of which, namely <beautifulpfizertechnology.com>, <pfizertechnologies.com>, <pfizerdevices.online>, <pfizerhomesgroup.online>, <pfizerfinancial.online>, and <pfizermedicaldevices.online> are registered in the name of INTERNET DATA.

With regard to the other seven Domain Names, these are registered as follows:

- <onlinepfizer.capital> in the name of sfasdf sdfsaf, China;
- <onlinepfizer.top>, <pfizeronline.top>, <pfizeronline.org> and <pfizeronline.net> in the name of vxcv, dfsd dsfsdf, United States;
- <onlinepfizer.live> in the name of alex smith, United States; and
- <pfizerinvestment.net> in the name of smith, United States.

The Panel notes the following features of the Domain Names and arguments submitted by Complainant in favor of the consolidation of all the above Domain Names:

- all of the Domain Names lead to almost identical websites;
- all of the Domain Names were registered within days of each other in January 2023, apart from one, namely <onlinepfizer.live> which was registered approximately two months beforehand, namely on November 3, 2022;
- all of the Domain Names use the same pattern, namely they incorporate Complainant's PFIZER trademark in its entirety along with descriptive / non-distinctive words, that often coincide (such as "online", "devices", "technology[ies]");
- the Domain Names <beautifulpfizertechnology.com>, <pfizerdevices.online>, <pfizertechnologies.com>, <pfizerhomesgroup.online>, <pfizerfinancial.online>, <pfizermedicaldevices.online> are registered with one same registrar, namely Name.com, Inc. and the registrant is identified as Respondent INTERNET DATA, and the Domain Names <onlinepfizer.capital>, <onlinepfizer.top>, <pfizeronline.top>, <pfizeronline.org>, and <pfizeronline.net> are also registered with one same registrar, namely NameSilo, LLC.

The above along with the fact that the named Respondents of these Domain Names did not submit any arguments to rebut this inference is taken into account by the Panel.

Considering all the above, the Panel notes that there appears *prima facie* to be one single Respondent, providing possibly fake ID details. Furthermore, the named Respondents did not submit any arguments to rebut this inference.

The Panel finds that consolidation of the Domain Names is fair to the Parties, and Respondents have been given an opportunity to object to consolidation through the submission of pleadings (if indeed there are more than one Respondent for these Domain Names) but have chosen not to rebut the consolidation (see [WIPO Overview 3.0](#), section 4.11.2; *Virgin Enterprises Limited v. LINYANXIAO aka lin yanxiao*, WIPO Case No. [D2016-2302](#)). Based on the file, the Panel finds that it is more likely than not that the Domain Names are in common control of one entity and hence the Panel grants the consolidation request for the above Domain Names (and will refer to these Respondents as "Respondent").

5. Factual Background

Per the Complaint, Complainant is one of the largest pharmaceutical companies in the world, with global operations in more than 125 countries. Complainant discovers, develops, manufactures and markets prescription medicines and has used the PFIZER mark for over 150 years, namely since 1849.

Complainant and/or its affiliates are the owners of numerous PFIZER trademark registrations around the world, including:

- the United States trademark registration No. 626,088, PFIZER (figurative), filed on April 27, 1953 and registered on May 1, 1956, first use in commerce November 30, 1951, for goods in international classes 5 and 18, and
- the United States trademark registration No. 2,951,026, PFIZER (word), filed on October 14, 2003 and registered on May 17, 2005, first use in commerce 1932, for goods in international classes 5 and 18.

Complainant claims it is also the owner of the domain name <pfizer.com>, which it has used since at least as early as 1996 to host a website for Complainant and its products and which it uses for its employees' email addresses, including for communications with vendors, customers and other external third parties.

The Domain Names were registered as follows:

<beautifulpfizertechnology.com>, on January 20, 2023
<pfizerdevices.online>, on January 10, 2023
<pfizertechnologies.com>, on January 20, 2023
<pfizerhomesgroup.online>, on January 10, 2023
<pfizerfinancial.online> on January 10, 2023
<pfizermedicaldevices.online> on January 10, 2023
<onlinepfizer.capital>, on January 8, 2023
<onlinepfizer.top>, on January 6, 2023
<pfizeronline.top>, on January 6, 2023
<pfizeronline.org> on January 6, 2023
<pfizeronline.net> on January 6, 2023
<onlinepfizer.live> on November 3, 2022
<pfizerinvestment.net> on January 11, 2023.

At the time of filing of the Complaint, the Domain Names led to websites that were nearly identical (the Websites). The Websites presented a page showing a message about a rebate being offered to consumers and then had a login page where consumers were asked to input their personal information. Per the Complaint, Respondent had registered the Domain Names for use in a fraudulent scheme designed to mislead Complainant's customers into providing their personal information to Respondent as part of a fraudulent rebate withdrawal request or otherwise interacting with Respondent in the mistaken belief that they were interacting with Complainant. Currently the Domain Names lead to inactive websites.

6. Parties' Contentions

A. Complainant

Complainant asserts that it has established all three elements required under paragraph 4(a) of the Policy for the transfer of the Domain Names.

B. Respondent

Respondent did not reply to Complainant's contentions.

7. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements, which Complainant must satisfy with respect to the Domain Name:

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

A. Identical or Confusingly Similar

Complainant has demonstrated rights through registration and use on the PFIZER mark.

The Panel finds that the Domain Names are confusingly similar with the PFIZER trademark of Complainant.

The Domain Names incorporate the said trademark of Complainant in its entirety. This is sufficient to establish confusing similarity (*Magnum Piering, Inc. v. The Mudjackers and Garwood S. Wilson, Sr.*, WIPO Case No. [D2000-1525](#)).

The addition of the words “online”, “medical”, “devices”, “homes”, “group”, “financial”, “investment”, “beautiful”, “technologies” and “technology”, as the case may be, in the Domain Names does not prevent a finding of confusing similarity as the PFIZER mark remains clearly distinguishable ([WIPO Overview 3.0](#), section 1.8).

The generic Top-Level Domains (“gTLD”) “.live”, “.top”, “.org”, “.net”, “.capital”, “.online”, “.com” are also disregarded, as gTLDs typically do not form part of the comparison on the grounds that they are required for technical reasons only (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#)).

The Panel finds that the Domain Names are confusingly similar to the PFIZER trademark of Complainant.

Complainant has established Policy, paragraph 4(a)(i).

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Names, among other circumstances, by showing any of the following elements:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Domain Names or a name corresponding to the Domain Name in connection with a *bona fide* offering of goods or services; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Domain Names, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are making a legitimate noncommercial or fair use of the Domain Names, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel finds that Respondent lacks rights or legitimate interests in respect of the Domain Names.

Respondent has not submitted any response and has not claimed any such rights or legitimate interests with respect to the Domain Names. As per Complainant, Respondent was not authorized to register the Domain Names.

Prior to the notice of the dispute, Respondent did not demonstrate any use of the Domain Names or a trademark corresponding to the Domain Names in connection with a *bona fide* offering of goods or services.

On the contrary, as Complainant demonstrated, at the time of filing of the Complaint, Respondent used the Domain Names to create the Websites, to impersonate Complainant. The Websites presented a page showing a message about a rebate being offered to consumers and then had a login page displaying Complainant’s trademark where consumers were asked to input their personal information. Upon information and belief of Complainant, Respondent was therefore using the Domain Names in connection with a fraudulent scheme.

The Panel finds that these circumstances do not confer upon Respondent any rights or legitimate interests in respect of the Domain Names.

Complainant has established Policy, paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides that the following circumstances, “in particular but without limitation”, are evidence of the registration and use of the Domain Names in “bad faith”:

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Names primarily for the purpose of selling, renting, or otherwise transferring the Domain Names registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Names; or
- (ii) that Respondent has registered the Domain Names in order to prevent the owner of the trademark or service mark from reflecting the mark in the corresponding Domain Names, provided that Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Names primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Names, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent’s website or other online location, by creating a likelihood of confusion with Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of Respondent’s website or location or of a product or service on Respondent’s website or location.

The Panel concludes that Respondent has registered and used the Domain Names in bad faith. Complainant’s mark PFIZER is well known, as repeatedly recognised (e.g. *Pfizer Inc. v. WhoisGuard, Inc. / Susan Watson*, WIPO Case No. [DCO2019-0019](#)). Because the PFIZER mark had been widely used and registered at the time of the Domain Names registration by Respondent, the Panel finds that Respondent had Complainant’s mark in mind when registering the Domain Names (*Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, WIPO Case No. [D2014-1754](#); *Parfums Christian Dior v. Javier Garcia Quintas and Christiandior.net*, WIPO Case No. [D2000-0226](#)).

As regards bad faith use, at the time of filing of the Complaint, the Domain Names led to Websites impersonating Complainant, which prominently displayed Complainant’s registered trademark, thereby giving the false impression that they were operated by Complainant or a company affiliated to Complainant or an authorized dealer of Complainant. The Domain Names operated by intentionally creating a likelihood of confusion with Complainant’s trademark and business as to the source, sponsorship, affiliation or endorsement of the Websites they resolved to. This can be used in support of bad faith registration and use (*Oculus VR, LLC v. Sean Lin*, WIPO Case No. [DCO2016-0034](#); and [WIPO Overview 3.0](#), section 3.3 and 3.4).

Furthermore, per Complainant’s information and belief, the Websites were likely linked to a fraud scheme, purporting to obtain details of unsuspected users. The Websites presented a page showing a message about a rebate being offered to consumers and then had a login page where consumers were asked to input their personal information. Use of a domain name for purposes such as phishing constitutes bad faith use (see [WIPO Overview 3.0](#), section 3.4; see also *Andrey Ternovskiy dba Chatroulette v. Transfer Service, Sedo.com, LLC*, WIPO Case No. [D2018-2510](#)).

Currently, the Domain Names lead to inactive websites. The non-use of a domain name would not prevent a finding of bad faith (*Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#); [WIPO Overview 3.0](#), section 3.3).

Complainant has established Policy paragraph 4(a)(iii).

8. 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 names <beautifulpfizertechnology.com>, <pfizerdevices.online>, <pfizertechnologies.com>, <pfizerhomesgroup.online>, <pfizerfinancial.online>, <pfizermedicaldevices.online>, <onlinepfizer.capital>, <onlinepfizer.top>, <pfizeronline.top>, <pfizeronline.org>, <pfizeronline.net>, <onlinepfizer.live> and <pfizerinvestment.net> be transferred to the Complainant.

/Marina Perraki/

Marina Perraki

Sole Panelist

Date: June 21, 2023