

ADMINISTRATIVE PANEL DECISION

Sanofi v. Manvi gupta
Case No. D2023-4473

1. The Parties

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

The Respondent is Manvi Gupta, United States of America.

2. The Domain Name and Registrar

The disputed domain name <sanofilndialtd.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 27, 2023. On October 27, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 27, 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 (Privacy Service Provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 30, 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 on October 30, 2023.

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 of the Complaint, and the proceedings commenced on November 2, 2023. In accordance with the Rules, paragraph 5, the due date for Response was November 22, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 6, 2023.

The Center appointed Ahmet Akgüloglu as the sole panelist in this matter on December 18, 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, Sanofi, is a multinational pharmaceutical French company based in Paris. The company was established in 2004 under the name of Sanofi-Aventis and currently ranks as the 4th largest pharmaceutical company by sales in the world. The Complainant has business in more than 100 countries.

The Complainant is the owner of several international trademark registrations such as 1092811 numbered SANOFI registered before WIPO on August 11, 2011, and 1094854 numbered SANOFI registered before WIPO on August 11, 2011. The Complainant also owns the 85396658 numbered SANOFI trademark registered in the United States of America on August 12, 2011, and several others as presented in Annex 8.

The Complainant also owns the <sanofi.com> domain name registered on October 13, 1995, <sanofi.eu> domain name registered on March 12, 2006, <sanofi.is> domain name registered on November 21, 2012, and several others formed in the same wording as presented in Annex 9.

The disputed domain name was registered by the Respondent on October 11, 2023. The Respondent used a privacy service. Screenshots of the disputed domain name provided by the Complainant shows a webpage pay-per-click page.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that;

- (a) The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

The Complainant argues that there is a likelihood of confusion between the disputed domain name and the Complainant's registered SANOFI trademarks. The Complainant claims that the term "sanofi" in the disputed domain name is identical to the registered SANOFI trademarks. Also states that, considering the fact that the term "sanofi" does not have any particular meaning it is not possible for the Respondent to create an identical term. The Complainant submits that the term "India" is referring to a geographic location of the provided goods. The Complainant also asserted that the term "ltd" is a common acronym that refers to limited liability company and should be ignored. The disputed domain name includes the exact copy of the Complainant's trademark with a geographic term (with a typo) and a descriptive acronym alongside the Top-Level Domain ".com".

- (b) Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Complainant denotes that the Respondent does have prior rights or legitimate interests to justify the usage of the Complainant's well-known registered trademarks and domain name. The Complainant also specifies that the Complainant has never licensed or authorized the Respondent to use its registered trademarks. Therefore, the Respondent affirms that the Respondent's use of the SANOFI trademark is not in connection with a *bona fide* interest but rather misleadingly diverts consumers into thinking the Respondent is connected to or affiliated with the Complainant and their business.

- (c) The disputed domain name was registered and is being used in bad faith.

The Complainant asserts that the Panels generally recognize opportunistic bad faith with domain names that are confusingly similar to the Complainant's well-known SANOFI trademark. It is reminded by the Complainant that the Respondent does not have any legitimate interest in the term "sanofi" considering its

name does not have any resemblance. Additionally, the Complainant underlines the distinctive nature of the trademark SANOFI and the Respondent is likely to have had notice of the existence of the Complainant's trademark at the time of registration of the disputed domain name. The Complainant claims that the disputed domain name had been registered to attract Internet users to the Respondent's webpage by creating a likelihood of confusion between the SANOFI trademark and the disputed domain name. The Complainant also addresses the nature of the SANOFI trademark as one of the most cyber-squatted trademarks and further presents WIPO's related article. The Complainant also underlines the situation of the disputed domain name being a parking website, which is also an indicator of being used in bad faith. At last, the Complainant claims that the advertisements and links proposed on the parking website provide income to the Respondent through pay-per-clicks which is reproduction of the Complainant's well-known trademark.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The disputed domain name is composed of the terms "sanofi", "India" and "ltd".

Where the relevant trademark is recognizable within the disputed domain name, additional terms that are descriptive, geographical, meaningless or otherwise, would not affect the confusingly similarity under the first element. The nature of such additional terms may however bear on assessment of the second and third elements. See [WIPO Overview 3.0](#), section 1.8. The Panel accepts that the disputed domain name incorporates an identical reproduction of the Complainant's SANOFI trademark.

The Panel also ignored the generic Top-Level Domain ("gTLD") since it is viewed as a standard registration requirement and suggested as disregarded under the first element similarity test. See [WIPO Overview 3.0](#), section 1.11.1.

Although the addition of the terms "India" and "ltd" may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Based on the available record, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent registered the disputed domain name primarily for the purpose of attracting users for commercial gain by creating a likelihood of confusion which is an indicator of bad faith according to the paragraph 4(b)(iv) of the Policy.

The registration of the disputed domain name was on October 11, 2023, which is years later than the Complainant’s <sanofi.com> domain name registration in 1995 and the SANOFI United States of America trademark registration which is dated in 2011. A domain name that includes a known trademark may be suggestive of the Respondent’s bad faith. (See *PJ Hungary Szolgáltató Korlátolt Felelősségű Társaság v. Web Commerce Communications Limited, Client Care*, WIPO Case No. [D2022-1345](#)).

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Considering the disputed domain name resolves to a webpage displaying pay-per-clicks links, this Panel concludes there is bad faith use under the present circumstances. The disputed domain name is confusingly similar to the SANOFI trademark and is being used to attract Internet users to obtain click-through revenue.

Based on the available record, the Panel finds that the Complainant has established the third 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 <sanofiindia ltd.com> be cancelled.

/Ahmet Akguloglu/

Ahmet Akguloglu

Sole Panelist

Date: January 2, 2024