

## **ADMINISTRATIVE PANEL DECISION**

Independent Vetcare Limited v. Eva Pogorelova  
Case No. D2024-0150

### **1. The Parties**

The Complainant is Independent Vetcare Limited, United Kingdom, represented by Pinsent Masons LLP, United Kingdom.

The Respondent is Eva Pogorelova, United Kingdom.

### **2. The Domain Name and Registrar**

The disputed domain name <petdrugsonline.net> is registered with Tucows Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 15, 2024. On January 15, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 15, 2024, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 22, 2024, 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 January 23, 2024.

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 January 24, 2024. In accordance with the Rules, paragraph 5, the due date for Response was February 13, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 19, 2024.

The Center appointed Steven A. Maier as the sole panelist in this matter on February 28, 2024. 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 supplier of veterinary medicine and animal products. It was founded in 2005 and has operated a website at “www.petdrugsonline.co.uk” since at least June 2006.

The Complainant is the owner of United Kingdom trademark registration number UK00003332379 for the word mark PET DRUGS ONLINE, registered on April 12, 2019, in International Class 35.

The disputed domain name was registered on April 12, 2021.

The Complainant exhibits evidence that, as of January 10, 2024, the disputed domain name resolved to a website headed “pet drugs online”, offering veterinary medicines for sale online.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant submits that its name and trademark are widely known in the field of veterinary medicine, in the United Kingdom in particular.

It provides evidence of sales revenues of GBP 987.5 million in 2022 and of a substantial presence on social media.

The Complainant also provides evidence of industry awards and of positive customer reviews.

The Complainant submits that the disputed domain name is identical to its trademark PET DRUGS ONLINE.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It contends that the Respondent has no independent trademark rights in respect of the disputed domain name and is making neither bona fide commercial use, nor legitimate noncommercial or fair use, of the disputed domain name. Instead, the Complainant submits that the Respondent is using the disputed domain name misleadingly to attract Internet users who are looking for the Complainant, in order to sell them products in direct competition with the Complainant’s own business.

The Complainant submits that the disputed domain name was registered and has been used in bad faith. It contends that, owing to the widespread reputation of the Complainant’s trademark, the Respondent must have been aware of that trademark when it registered the disputed domain name. The Complainant submits that the Respondent registered and has used the disputed domain name to deceive customers looking for the Complainant, and also places the Complainant’s reputation at risk by selling products over which the Complainant has no control. The Complainant further asserts that the disputed domain name could be used to create email addresses for fraudulent purposes and contends that there is no non-infringing use that the Respondent could make of the disputed domain name.

The Complainant requests the transfer of the disputed domain name.

##### **B. Respondent**

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

## **6. Discussion and Findings**

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

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

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

The Complainant has established that it has registered trademark rights for the mark PET DRUGS ONLINE.

The disputed domain name directly replicates that trademark, and the Panel therefore finds that the disputed domain name is identical to a trademark in which the Complainant has rights.

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

In the view of the Panel, the Complainant's submissions set out above give rise to a prima facie case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. However, the Respondent has failed to file a Response in this proceeding and has not submitted any explanation for its registration and use of the disputed domain name, or evidence of rights or legitimate interests on its part in the disputed domain name, whether in the circumstances contemplated by paragraph 4(c) of the Policy or otherwise.

While the disputed domain name comprises a combination of three dictionary elements which could in principle support a claim to rights or legitimate interests, the Panel concludes nevertheless, for the reasons set out below, that the Respondent registered and has used the disputed domain name for the purpose of unfairly targeting the Complainant's trademark rights.

The Panel therefore finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

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

The Complainant has demonstrated that it has used the mark PET DRUGS ONLINE in commerce since at least June 2006, being almost 15 years prior to the registration of the disputed domain name. The Panel is also satisfied that the Complainant's trademark has generated substantial reputation and goodwill over that period.

In the light of these matters, and in the absence of any explanation on the part of the Respondent, the Panel infers that the Respondent registered the disputed domain name – which it is recalled is identical to the relevant mark – with knowledge of the Complainant's trademark and with the intention of taking unfair commercial advantage of that trademark by diverting Internet users looking for the Complainant's business to its own, competing, website; it is furthermore noted that (unlike the Complainant's site) no contact information whatsoever was provided at the Respondent's website, only a fill-in-the-blank form to send a communication to the Respondent. The Panel finds that, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy).

The Panel therefore finds that the disputed domain name has been registered and is being used in bad faith.

## **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 <petdrugsonline.net> be transferred to the Complainant.

*/Steven A. Maier/*

**Steven A. Maier**

Sole Panelist

Date: March 12, 2024