

ADMINISTRATIVE PANEL DECISION

Haleon UK IP Limited v. Raymond Red
Case No. D2024-0325

1. The Parties

The Complainant is Haleon UK IP Limited, United Kingdom (“UK”), represented by SafeNames Ltd., UK.

The Respondent is Raymond Red, United States of America (“United States”).

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 25, 2024. On January 25, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On January 25, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 26, 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 amended Complaint on January 26, 2024.

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 February 1, 2024. In accordance with the Rules, paragraph 5, the due date for Response was February 21, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 28, 2024.

The Center appointed Ana María Pacón as the sole panelist in this matter on March 4, 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, formerly GlaxoSmithKline Consumer Healthcare (UK) IP Limited, is a British multinational consumer healthcare company established in July 2022 as a corporate spin-off from GSK plc. GlaxoSmithKline Consumer Healthcare (UK) IP Limited changed its name to HALEON UK IP Limited on April 14, 2023, while remaining the same entity.

Due to the recent name change of the Complainant, the registered trademarks for HALEON owned by the Complainant are still listed under the name GlaxoSmithKline Consumer Healthcare (UK) IP Limited in some countries. These include:

- International Trademark registration No.1674572 for HALEON, registered on November 29, 2021, in international classes 3, 5, 9, 10, 21, 29, 30, 32, 35, 36, 41, 42 and 44.

- UK registration No. 00003726732 for HALEON, registered on March 11, 2022, in international classes 3, 5, 9, 10, 21, 29, 30, 32, 35, 36, 41, 42 and 44.

In the United States, where the Respondent appears to be based, the Complainant is indeed the owner of the trademark HALEON HEALTH INCLUSIVITY, registration No. 7220770, registered on November 21, 2023, in international classes 35, 36, 41 and 44. Applications for the trademark HALEON, serial No. 79378296, in international classes 3, 5, 10, 21, 28, 30 and 32, and for the trademark HALEON HUDDLE, serial No. 98127857, in international classes 9, 35 and 44, are pending.

The Complainant also owns the domain name <haleon.com> reflecting its HALEON trademark, registered on January 16, 2023, valid until January 16, 2025.

The Domain Name was registered on July 10, 2023. Currently, the Domain Name resolves to an inactive webpage. However, the Domain Name has been used to distribute phishing emails.

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 Domain Name.

Notably, the Complainant contends that the Domain Name is confusingly similar to its earlier trademark, that the Respondent has no rights or legitimate interests in the Domain Name, and that the Domain Name has been registered and is being used in bad faith. The Complainant requests the transfer of the Domain Name.

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 Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

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 Domain Name. Accordingly, the Domain Name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of a letter may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the Domain Name and the mark for the purposes of the Policy. The only difference is that Respondent has added the letter "e" between the "o" and "n" of Complainant's trademark. So, the Domain Name is a typosquatting variant of the HALEON trademark. Under the UDRP the merely changing of single letters is not sufficient to distinguish a disputed domain name from a complainant's trademark. [WIPO Overview 3.0](#), section 1.9 affirms that "*[an] intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element.*"

Then there is the addition of the generic Top-Level Domain ("gTLD"), here ".com". As is generally accepted, the addition of a gTLD such as ".com" is merely a technical registration requirement and as such is typically disregarded under the first element conf using similarity test. [WIPO Overview 3.0](#), section 1.11.1.

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 the 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 present record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the 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 Domain Name such as those enumerated in the Policy or otherwise.

UDRP panels have held that the use of a domain name for illegal activity here, as applicable to this case phishing, can never confer rights or legitimate interests on a respondent. See *CMA CGM v. Diana Smith*, WIPO Case No. [D2015-1774](#) (finding that respondent had no rights or legitimate interests in the disputed domain name, holding that “such phishing scam cannot be considered a *bona fide* offering of goods or services nor a legitimate noncommercial or fair use of the Domain Name.”). See also *Greenyard NV v. Franck Gauthier*, WIPO Case No. [D2022-0654](#): “*It is well established that a phishing practice is an illegitimate undertaking that can never confer rights or legitimate interests on a respondent*”.

In addition, while the website connected to the Domain Name was active, it was used to generate pay-per-click (“PPC”) revenue. The PPC links directed Internet users to websites which dealt with products in the same industry as the Complainant. Such use does not confer rights or legitimate interests in the Domain Name to the Respondent.

There also is no evidence that the Respondent is commonly known by the Domain Name. [WIPO Overview 3.0](#), section 2.13.1.

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 Complainant has substantiated the fact that its trademark HALEON , which has been registered and used, now benefits from public awareness worldwide.

A number of UDRP panels have arrived at a finding that registering a domain name with knowledge of another company’s rights in a domain name, and with intention to divert traffic, may serve as evidence of bad faith registration (see *Digital Spy Limited v. Moniker Privacy Services and Express Corporation*, WIPO Case No. [D2007-0160](#); *PepsiCo, Inc. v. “null”, aka Alexander Zhavoronkov*, WIPO Case No. [D2002-0562](#); and *The Gap, Inc. v. Deng Youqian*, WIPO Case No. [D2009-0113](#)). This Panel finds it implausible that the registration of the Domain Name took place in good faith.

Thus, the Panel does not accept, on the evidence available to it, that the Respondent had no knowledge of the HALEON trademark when it registered the Domain Name.

UDRP panels have held that the use of a domain name for illegal activity as applicable to this case phishing, constitutes bad faith. See *BHP Billiton Innovation Pty Ltd. v. Domains By Proxy LLC / Douglass Johnson*, WIPO Case No. [D2016-0364](#) (“[T]he use of an email address associated with the disputed domain name, to send a phishing email for the purposes of dishonest activity is in itself evidence that the disputed domain name was registered and is being used in bad faith.”). See also *National Westminster Bank plc v. Sites / Michael Vetter*, WIPO Case No. [D2013-0870](#) (phishing constitutes bad faith use). [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

Prior to deactivation of the website connected to the Domain Name, it displayed PPC links, some of which related to medical procedures and supplements (thus directing users to third-party websites in a similar industry as the Complainant). Such use further demonstrates the Respondent’s intent to make a commercial gain from exploiting the Complainant’s HALEON trademark. UDRP panels have found such use as bad faith (see, for example, *Mpire Corporation v. Michael Frey*, WIPO Case No. [D2009-0258](#): “While the intention to earn click-

through- revenue is not in itself illegitimate, the use of a domain name that is deceptively similar to a trademark to obtain click-through-revenue is found to be bad faith use”).

The Panel further finds that the current passive holding of the Domain Name cannot prevent a finding of bad faith in this case. [WIPO Overview 3.0](#), section 3.3

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 Domain Name <haleoen.com> be transferred to the Complainant.

/Ana María Pacón/

Ana María Pacón

Sole Panelist

Date: March 18, 2024