

ADMINISTRATIVE PANEL DECISION

Haleon UK IP Limited v. 石磊 (Shi Lei)

Case No. D2024-0730

1. The Parties

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

The Respondent is 石磊 (Shi Lei), China.

2. The Domain Names and Registrars

The disputed domain name <haleonbenefits.com> is registered with Cloud Yuqu LLC (the “First Registrar”); the disputed domain names <haleonvoluntarybenefit.com>, <haleonvoluntarybenefits.com>, and <haleonvoluntarybenifits.com> are Dynadot Inc (the “Second Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on February 20, 2024. On February 21, 2024, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On February 21, 2024, the Second Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (REDACTED FOR PRIVACY) and contact information in the Complaint. On February 22, 2024, the First 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 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 amended Complaint in English on February 27, 2024.

On February 22, 2024, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain names is Chinese. On February 27, 2024, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 in Chinese and English of the Complaint, and the proceedings commenced on February 29, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 20, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 21, 2024.

The Center appointed Sok Ling MOI as the sole panelist in this matter on March 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, Haleon UK IP Limited (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, although it remains the same entity. GSK plc publicly announced the launch of the Complainant, under the HALEON name, on February 22, 2022. The completion of the demerger and listing of the Complainant’s shares on the London Stock Exchange occurred in July 2022.

The Complainant is one of the world’s largest consumer health companies, offering products in five market categories, namely oral health, vitamins, minerals and supplements, pain relief, respiratory health and digestive health. The Complainant made a revenue of GBP 10.9 billion in 2022 and has more than 24,000 employees. The Complainant’s offerings are available in more than 100 countries, covering both developed and emerging markets.

The Complainant operates its main website at “www.haleon.com” and uses or incorporates the term “haleon” in its social media handlers. The Complainant owns trade mark registrations for HALEON in various jurisdictions, including the following:

Trade Mark	Jurisdiction	Registration No.	Registration Date	Class
HALEON	International	1674572	November 29, 2021	3, 5, 9, 10, 21, 29, 30, 32, 35, 36, 41, 42, 44
HALEON	United Kingdom	UK00003726732	March 11, 2022	3, 5, 9, 10, 21, 29, 30, 32, 35, 36, 41, 42, 44

The disputed domain names <haleonbenefits.com>, <haleonvoluntarybenifits.com>, <haleonvoluntarybenfits.com>, and <haleonvoluntarybenefit.com> were registered on September 23, 2023, more than 18 months after the public announcement of the launch of HALEON. According to the evidence submitted by the Complainant, each of the disputed domain names resolves to a parking webpage featuring sponsored links to third party websites.

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 “haleon” is a distinctive term, being a coined amalgamation of an old English word “Hale” (meaning ‘in good health’) and “Leon” (which is associated with the word “strength”).

B. Respondent

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

6. Discussion and Findings

6.1 Procedural Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain names is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the facts that the disputed domain names contain English words, and the contents on the websites to which the disputed domain names direct is entirely in English, the Complainant’s representatives are based in UK, and requiring a translation would result in the incurrence of additional expense and unnecessary delay.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both Parties, taking into account all relevant circumstances of the case, including matters such as the parties’ ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 4.5.1).

In this case, the Panel notes that the Respondent has been informed by the Center that it would accept a Response in either English or Chinese, but it did not file a formal Response. As such, the Panel finds that no foreseeable procedural benefit may be served by requiring the Complaint to be translated into Chinese and for Chinese to be the language of the proceeding at this stage.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2 Substantive Issue: Findings

Paragraph 4(a) of the Policy directs that a complainant must prove each of the following three elements to obtain an order for the disputed domain name to be transferred:

- (i) the disputed domain name registered by the respondent is identical or confusingly similar to a trade mark or service mark in which the complainant has rights; and
- (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

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 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 entirety of the mark is reproduced within each of the disputed domain names.

The Panel finds the addition of terms “voluntary” and “benefits” (or “benefit” and its misspelled variants) does not prevent a finding of confusing similarity between each of the disputed domain names and the mark for the purposes of the Policy.

The addition of the generic Top-Level Domain (“gTLD”) “.com” is a standard registration requirement and does not impact on the analysis of whether the disputed domain name is identical or confusingly similar to the Complainant’s trade mark.

Accordingly, each of the disputed domain names is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7 and section 1.8.

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.

The Complainant has confirmed that the Respondent is not in any way affiliated with the Complainant or otherwise authorized or licensed to use the HALEON trade mark or to seek registration of any domain name incorporating the HALEON trade mark. The Respondent appears to be an individual by the name of “石磊 (Shi Lei)”. There is no evidence suggesting that the Respondent is commonly known by the name “Haleon” or has any rights in the term “haleon”.

There is no evidence suggesting that the Respondent is using the disputed domain names for a bona fide offering of goods or services, or for a legitimate noncommercial or fair use. Instead, each of the disputed domain names resolves to a parking webpage featuring sponsored links to third party websites relating to employee benefits, pensions, and business insurance. Presumably, the Respondent receives pay-per-click (“PPC”) fees from the linked websites. UDRP panels have found that the use of a domain name to host a parked page comprising PPC links does not represent a bona fide offering where such links compete with or capitalise on the reputation and goodwill of the complainant’s mark or otherwise mislead internet users. [WIPO Overview 3.0](#), section 2.9.

Accordingly, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. 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 names such as those enumerated in the Policy or otherwise.

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.

The Panel accepts that “haleon” is a distinctive term and that the Complainant and its HALEON trade mark has gained sufficient fame and social media presence since its launch. The Respondent’s choice of the disputed domain names could not have been a mere coincidence. The consensus view of previous UDRP panels is that the mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith.

Furthermore, the Panel notes that the Respondent had previously been involved in numerous UDRP disputes (including another case involving the Complainant: *Haleon UK IP Limited v. Shi Lei, Shi Lei*, WIPO Case No. [D2023-4704](#)) which resulted in the transfer of the domain name to the complainant. This suggests a pattern of cybersquatting behaviour which is prima facie evidence of bad faith.

According to the evidence submitted by the Complainant, each of the disputed domain names resolves to a parking webpage featuring sponsored links to third party websites relating to employee benefits, pensions, and business insurance. The consensus view of previous UDRP panels is that a domain name registrant is normally deemed responsible for content appearing on a website at its domain name, even if such registrant may not be exercising direct control over such content - for example, in the case of advertising links appearing on an “automatically” generated basis. There is a presumption that the Respondent or a third party stands to profit or make a “commercial gain” from advertising revenue by such an arrangement trading on third-party trade marks.

In the present case, the Panel finds that the Respondent’s use of the Complainant’s HALEON trade mark to attract Internet users to a website offering links to third-party websites is essentially a form of bait-and-switch selling, which is calculated to mislead Internet users. Such links clearly seek to capitalize on the trade mark value of the Complainant’s trade mark. The Panel therefore determines that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to his websites by creating a likelihood of confusion with the Complainant’s mark as to source, sponsorship, affiliation, or endorsement of the Respondent’s websites.

Accordingly, and the Panel finds that the circumstances referred to in paragraph 4(b)(iv) of the Policy are applicable to the present case.

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 names <haleonbenefits.com>, <haleonvoluntarybenefit.com>, <haleonvoluntarybenefits.com>, and <haleonvoluntarybenifits.com> be transferred to the Complainant.

/Sok Ling MOI/

Sok Ling MOI

Sole Panelist

Date: April 24, 2024