

ADMINISTRATIVE PANEL DECISION

Lonza Ltd. v. Rich King
Case No. D2024-1584

1. The Parties

The Complainant is Lonza Ltd., Switzerland, represented by Greer, Burns & Crain, Ltd., United States of America ("United States" or "U.S.").

The Respondent is Rich King, United States.

2. The Domain Name and Registrar

The disputed domain name <lonzalogistics.com> (the "Domain Name") is registered with Cosmotown, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 15, 2024. On April 16, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On April 17, 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 (Unavailable) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 17, 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 April 18, 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 May 3, 2024. In accordance with the Rules, paragraph 5, the due date for Response was May 23, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 28, 2024.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on June 14, 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 to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is a company part of the Lonza Group Ltd. It provides manufacturing services to the pharmaceutical, biotech and specialty ingredients markets with revenues of over USD 2.4 billion in 2022 in the United States. The Lonza Group has since 1955 used the trademark LONZA in the United States.

The Complainant is the owner of trademark registrations in over 30 countries, such as U.S. trademark registration for LONZA No. 956,300 (registered April 3, 1973). The Complainant is the registrant of the domain name <lonza.com>.

The Domain Name was registered on April 4, 2024. At the time of filing the Complaint, the Domain Name resolved to a website purporting to sell medical and hospital equipment supplies under the name “Lonza Logistics”. At the time of drafting the Decision, the Domain Name resolved to an error page.

5. Parties’ Contentions

A. Complainant

The Complainant provides evidence of trademark registrations and argues that the Complainant’s trademark is recognizable within the Domain Name. The addition of the term “logistics” to the Complainant’s trademark in the Domain Name, does not prevent a finding of confusing similarity.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the Domain Name. The Complainant has not authorized the Respondent to use its trademarks in any way. The Respondent is not commonly known by the Domain Name. The Respondent has not made any demonstrable preparations to use the Domain Name in connection with a bona fide offering of goods or services. The Respondent has used the Domain Name in bad faith.

The Complainant argues that the Domain Name was registered and used in bad faith. The Respondent must have been aware of the Complainant and its rights when the Respondent registered the Domain Name. Moreover, the Respondent’s use of the Domain Name proves that the Respondent’s purpose of creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant’s trademark and the Domain Name. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ([“WIPO Overview 3.0”](#)), section 1.7. The Complainant has established that it has rights in the trademark LONZA. The Domain Name incorporates the Complainant’s trademark in its entirety and thus, the Complainant’s trademark is recognizable within the Domain Name. The addition of the

term “logistics” does not prevent a finding of confusing similarity. See [WIPO Overview 3.0](#), section 1.8. For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain (“gTLD”) (in this case “.com”) as it is viewed as a standard registration requirement. See [WIPO Overview 3.0](#), section 1.11.1.

Based on the available record, the Panel finds the Domain Name is confusingly similar to the trademark in which the Complainant has rights. The first element of paragraph 4(a) 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. While 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 often-impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. See [WIPO Overview 3.0](#), section 2.1.

Having reviewed the 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. There is no evidence of the Respondent’s use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services. The composition and use of the Domain Name to sell competing medical supplies under the Complainant’s name indicates an awareness of the Complainant and its mark and intent to take unfair advantage of such, which does not support a finding of any rights or legitimate interests.

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.

The composition and use of the Domain Name prove that the Respondent was aware of the Complainant and its prior rights when he registered the Domain Name. The Respondent has failed to provide any evidence of actual or contemplated good faith use of the Domain Name. The Domain Name resolved to a website purporting to sell medical and hospital equipment supplies under the name “Lonza Logistics” in an attempt to deceive Internet users. The Respondent’s use of the Domain Name is evidence of bad faith use.

The current passive holding of the Domain Name does not prevent a finding of bad faith.

For the reasons set out above, the Panel concludes that the Domain Name was registered and is used in bad faith, within the meaning of paragraph 4(a)(iii) of the Policy. The third element of the Policy has been established.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders the Domain Name <lonzalogistics.com> be transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: June 6, 2024