

ADMINISTRATIVE PANEL DECISION

Haleon UK IP Limited v. Laura Peters, Cargill
Case No. D2024-2969

1. The Parties

The Complainant is Haleon UK IP Limited, United Kingdom, represented by SafeNames Ltd., United Kingdom.

The Respondent is Laura Peters, Cargill, United States of America.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 22, 2024. On July 22, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 23, 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 (Redacted for Privacy Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 25, 2024, 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 July 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 August 12, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 1, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 16, 2024.

The Center appointed Dietrich Beier as the sole panelist in this matter on September 20. 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, remaining the same entity.

The Complainant is one of the world's largest consumer health companies. The Complainant is the holder of nine large-scale multinational power brands (including, for example, PRONAMEL, CENTRUM and ADVIL) and 23 local growth brands. The Complainant's brands span five market categories ('Oral Health', 'Vitamins, Minerals and Supplements (VMS)', 'Pain Relief', 'Respiratory Health' and 'Digestive Health and Other'). The Complainant made a revenue of GBP 10.9 billion in 2022, and its offerings are available to individuals in more than 100 countries, covering both developed and emerging markets. The Complainant has over 24,000 employees.

The launch of the Complainant, under the HALEON name was announced on February 22, 2022.

The Complainant uses the HALEON brand in the string of its main website, "www.haleon.com," which is used to inform Internet users of the HALEON offerings.

The Complainant is the owner of several trademarks, inter alia the International registration 1674572 HALEON, applied for and registered on November 29, 2021, being in effect, in, inter alia, classes 3,5,9 extended to numerous countries, among them the European Union, Switzerland.

The disputed domain name was registered on June 3, 2024, and is currently redirected to a page with Pay-Per-Click ("PPC") advertisement links that redirect users to offerings, inter alia for health related insurances, as well as provides a search tool for sponsored offerings also relating to competitors of the Complainant. The Respondent's identity was initially concealed in the Whois-registrar.

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 the HALEON term being a coined, distinctive, non-dictionary amalgamation of an old English word 'Hale', meaning 'in good health', and 'Leon', which is associated with the word 'strength'. It is a distinctive, non-dictionary term.

The Complainant further contends that the disputed domain name is confusingly similar to the Complainant's trademark HALEON. The Complainant further contends that the Respondent is not affiliated with nor authorized by the Complainant in any way. The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Complainant finally contends that the Respondent has, in view of the registered trademarks and the media coverage of the name change, registered and used the disputed domain name with full knowledge of the Complainant's 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 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.

The Complainant has shown rights in respect of a trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy.

The addition of the domain extension ".cam" 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 1.11.

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. This is in particular the case since the Complainant did not grant any permission or consent to the Respondent to use its trademarks. Furthermore, the Respondent has no legitimate interests in the disputed domain name since there is no indication that the Respondent is commonly known by the name "HALEON" or "HALEON.CAM" nor that the Respondent is using the disputed domain name in connection with a bona fide offering of related goods or services.

The use of the disputed domain name to resolve to a website with PPC advertisements for services related to health and providing a search tool for sponsored links to competitors of the Complainant cannot be considered a bona fide offering of goods and services under the Policy (see also *Merck Sharp & Dohme Corp. v. Domain Administrator, PrivacyGuardian.org / George Ring, DN Capital Inc.*, WIPO Case No. [D2017-0302](#), <gardasilvaccine.com>).

Furthermore, UDRP panels have found that domain names identical to a complainant's trademark carry a high risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

The Panel therefore finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Following the announcement of the name change of the world wide active Complainant, the registration of an identical domain name is a strong indication that the Respondent must have been aware of the Complainant and its trademarks when registering the disputed domain name. The Complainant has not authorized the Respondent to make use of a designation which is identical to its marks. This Panel does not see any conceivable legitimate use that could be made by the Respondent of this particular disputed domain name without the Complainant's authorization.

The circumstances of this case, in particular the advertising links and the provision of a search tool leading to sponsored advertisement of actors in fields related to the business area of the Complainant, as well as to competitors in the field of the Complainant furthermore indicate that the Respondent registered and uses the disputed domain name primarily with the intention of attempting to attract, for commercial gain, Internet users to its potential website or other online locations, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of such website or location, or of a product or service on such website or location. The Panel therefore considers the disputed domain name to have been registered and used in bad faith in accordance with paragraph 4(a)(iii) of the Policy.

The Panel finds 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 that the disputed domain name <haleon.cam> be transferred to the Complainant.

/Dietrich Beier/

Dietrich Beier

Sole Panelist

Date: September 30, 2024