

## **ADMINISTRATIVE PANEL DECISION**

Teva Pharmaceutical Industries Ltd. v. NameSilo, LLC, Domain Administrator  
Case No. D2024-3543

### **1. The Parties**

The Complainant is Teva Pharmaceutical Industries Ltd., Israel, represented by SILKA AB, Sweden.

The Respondent is NameSilo, LLC, Domain Administrator, United States of America.

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

The disputed domain name <tevapharmcareers.com> is registered with NameSilo, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 2, 2024. On September 2, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 2, 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, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 3, 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 the same day.

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 September 11, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 1, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 7, 2024.

The Center appointed Clive Duncan Thorne as the sole panelist in this matter on October 11, 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 global pharmaceutical company incorporated in Israel in 1944 as a successor to a number of earlier Israeli corporations. It is one of the world's largest generic medicines producers leveraging a portfolio of 3,600 different products in nearly every therapeutic area.

It has a world-leading generic medicines expertise and portfolio, focused innovative medicines portfolio and global infrastructure and scale. It has a world-leading position in innovative treatments for disorders of the central nervous system, including pain, as well as a strong portfolio of respiratory products. It produces annually 76 billion tablets and capsules at 53 manufacturing facilities worldwide.

According to its last annual report the Complainant was, in 2023, active in more than 60 countries with revenues of more than USD 15.85 billion and more than 37,000 employees.

Supporting evidence regarding the Complainant, its trading activities and financial performance is set out in Annex 6 to the Complaint.

The Complainant has a large portfolio of trade marks consisting of TEVA and TEVAPHARM in many countries worldwide. These include:

International Trade Mark Registration No. 1319184 TEVA in classes 5, 10, and 42, registered on June 15, 2016.

United States of America Trade Mark Registration No. 1567918 TEVA in class 5, registered on November 28, 1989.

European Union Trade Mark Registration No. 018285645 TEVAPHARM in classes 5 and 44 registered on January 9, 2021.

Extracts of these registrations are set out at Annex 7 to the Complaint. Printouts from the European Union Intellectual Property Office (EUIPO) trade mark data base which show the existence of many other TEVA -formative trade marks registered worldwide are exhibited at Annex 8 to the Complaint.

The Complainant also refers to a number of previous UDRP decisions in which panels have recognised the significant reputation in the well-known trade marks TEVA and TEVAPHARM.

The Complainant also trades online using, inter alia, the domain name <tevapharm.com> registered on June 14, 1996. It hosts a website that displays information about the Complainant's group and its activities. The Complainant points out, because of its relevance to this Complaint, that the website includes a section called "your career" ("<https://www.tevapharm.com/your-career/>") which shows a number of job offers within the company as well as information as to what it is like to work for the Complainant. Printouts of the website are annexed at Annex 10 to the Complaint.

In the absence of a Response little is known about the Respondent and its activities. However, the Complainant adduces evidence which shows that the disputed domain name resolves to a pay-per-click (PPC) website for the purpose of generating PPC revenues. An image of the website is enclosed at Annex 14 and also reproduced in the body of the Complaint. The hyperlinks of the website are related to the pharmaceutical industry, the area in which the Complainant operates and is well-known internationally.

The disputed domain name was registered on August 25, 2024, which is after the date of registration of the Complainant's trade marks relied upon in the Complaint.

In the absence of a Response the Panel finds the above evidence adduced by the Complainant to be true.

## **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:

- i. The disputed domain name incorporates the entirety of the Complainant's trade marks TEVA and TEVAPHARM together with a descriptive term "careers" so that the disputed domain name is confusingly similar to the trade marks which were registered before the date of registration of the disputed domain name.
- ii. On the evidence the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has not satisfied the burden of proof of demonstrating evidence of rights or legitimate interests in the disputed domain name.
- iii. Given the Complainant's substantial reputation and use of the trade marks TEVA and TEVAPHARM it is not possible to conceive of a plausible situation in which the Respondent would have been unaware of the Complainant's rights at the date of registration of the disputed domain name. This establishes a presumption of registration in bad faith.
- iv. Use in bad faith is established by the fact that the disputed domain name resolves to a PPC website with hyperlinks related to the pharmaceutical industry, the area in which the Complainant operates.

### **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 trade mark 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 trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the marks TEVA and TEVAPHARM are reproduced within the disputed domain name. Accordingly, the disputed 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 other terms, here the descriptive term “careers”, may bear on assessment of the second and third elements, the Panel finds the addition of this term 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 1.8.

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.

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.

Panels have held that the use of a domain name to host a PPC website where the links to the website capitalize on the Complainant’s rights in its trade marks, does not represent a bona fide offering. [WIPO Overview 3.0](#), section 2.9.

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 Respondent registered the disputed domain name which reproduces in full the Complainant’s trade marks TEVA and TEVAPHARM. It accepts the Complainant’s contention that given the well-known nature of the marks it is not possible to conceive of a “plausible situation” that the Respondent would have been unaware of the Complainant and its marks at the date of registration.

The Panel takes into account that the disputed domain name resolves to a PPC website with hyperlinks related to the pharmaceutical industry, an area in which the Complainant operates and trades worldwide and is well known. The fact that the disputed domain name reproduces in full the marks TEVA and TEVAPHARM is, as submitted by the Complainant, a clear indication that the Respondent intentionally attempted to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusion with the Complainant’s TEVA and TEVAPHARM trade marks as to the source, sponsorship, affiliation of the website, within paragraph 4(b)(iv) of the Policy.

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 name <tevapharmcareers.com> be transferred to the Complainant.

*/Clive Duncan Thorne/*

**Clive Duncan Thorne**

Sole Panelist

Date: October 25, 2024