

ADMINISTRATIVE PANEL DECISION

FERRING B.V. v. MEI WANG, 于青青 (yu qing qing), QINGRU WU
Case No. D2024-3975

1. The Parties

The Complainant is FERRING B.V., Netherlands (Kingdom of the), represented by Jacobacci Avocats, France.

The Respondents are MEI WANG, China, 于青青 (yu qing qing), China, QINGRU WU, China.

2. The Domain Names and Registrars

The disputed domain name <menopurpen.net> is registered with NameSilo, LLC; the disputed domain names <adstiladrin.online>, <feelplus.online>, <pentasa.online>, <pentasa.xyz>, and <radstiladrin.online> are registered with Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn); the disputed domain names <adstiladrin.shop>, <adstiladrin.xyz>, <feelplus.xyz>, <menopurpen.xyz>, <picoprep.xyz>, and <radstiladrin.xyz> are registered with Dynadot Inc (the “Registrar(s)”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on September 27, 2024. On September 30, 2024, the Center transmitted by email to the Registrars requests for registrar verification in connection with the disputed domain names. On September 30 and October 2, 2024, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information which differed from the named Respondents (SUPER PRIVACY SERVICE LTD C/O DYNADOT, DOMAIN ADMINISTRATOR, See PrivacyGuardian.org) and contact information in the Complaint.

The Center sent an email communication to the Complainant on October 13, 2024, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar(s) requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control.

On the same day, the Center informed the parties, in Chinese and English, that the language of the Registration Agreements for the disputed domain names <adstiladrin.online>, <radstiladrin.online>, <pentasa.online>, <pentasa.xyz> and <feelplus.online> is Chinese.

The Complainant filed an amended Complaint in English on October 15, 2024, including its request that English be the language of the proceeding. The Respondents 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 Respondents in Chinese and English of the Complaint, and the proceeding commenced on October 24, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 13, 2024. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on November 16, 2024.

The Center appointed Sebastian M.W. Hughes as the sole panelist in this matter on November 20, 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

A. Complainant

The Complainant is a company incorporated in Netherlands (Kingdom of the) and is part of the Ferring Pharmaceuticals Group, founded 74 years ago and operating in more than 100 countries worldwide.

One of the products produced by the Complainant is its infertility medicine known as MENOPUR. The Complainant is the owner of numerous registrations for the trade mark MENOPUR, including European Union registration No. 008695694 with a registration date of April 28, 2010.

Another of the products produced by the Complainant is its gastroenterology medicine known as PENTASA. The Complainant is the owner of numerous registrations for the trade mark PENTASA, including European Union registration No. 008695785 with a registration date of April 20, 2010.

Another of the products produced by the Complainant is its uro-oncological medicine known as ADSTILADRIN. The Complainant is the owner of numerous registrations for the trade mark ADSTILADRIN, including International registration No. 1604902 with a registration date of March 9, 2021.

Another of the products produced by the Complainant is its gastroenterology medicine known as PICOPREP. The Complainant is the owner of numerous registrations for the trade mark PICOPREP, including European Union registration No. 008515447 with a registration date of January 28, 2010.

The Complainant also provides services relating to hormonal treatment for prostate cancer under the trade mark FEEL+. The Complainant is the owner of several registrations for the trade mark FEEL+, including European Union registration No. 010596419, with a registration date of June 22, 2012.

B. Respondents

The Respondents are at least nominally resident in China.

C. Disputed Domain Names

The disputed domain names were each registered on the dates set out in the table below:

| Disputed domain name | Registration date |
|----------------------|-------------------|
| adstiladrin.shop | December 14, 2023 |
| adstiladrin.online | November 14, 2023 |
| adstiladrin.xyz | June 1, 2024 |
| radstiladrin.online | November 14, 2023 |
| radstiladrin.xyz | June 21, 2024 |
| pentasa.online | November 14, 2023 |
| pentasa.xyz | March 8, 2024 |
| menopurpen.net | June 18, 2024 |
| menopurpen.xyz | November 28, 2023 |
| picoprep.xyz | November 28, 2023 |
| feelplus.online | November 14, 2023 |
| feelplus.xyz | June 1, 2024 |

D. Use of the Disputed Domain Names

The disputed domain names were previously offered for sale via websites hosted initially by DAN.com, and subsequently by GoDaddy, for prices of USD 1,450 or USD 950.

As at the date of this Decision, the disputed domain names are no longer resolved to any active 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 names.

Notably, the Complainant contends that the Respondents have no rights or legitimate interests in the disputed domain names, and have registered the disputed domain names to be sold as "high value" domain names "characterized by notable brand recognition".

B. Respondents

The Respondents did not reply to the Complainant's contentions.

6. Discussion and Findings

Consolidation of Respondents

Pursuant to Article paragraph 13(c) of the Rules "[t]he complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder".

In order to satisfy this requirement, the Complainant must demonstrate that the named Respondents are, in fact, the same person or entity and/or that the disputed domain names are under common control.

The Complainant contends that there should be consolidation of the Respondents, for the following reasons:

- (i) All of the disputed domain names are made up of one of the Complainant's trade marks, therefore, they follow the same naming pattern targeting the Complainant's trade marks;
- (ii) All of the disputed domain names were offered for sale, initially via DAN.com, and by the same seller known as "Pace.domains" – and, in the same manner, initially for USD 1,450, and subsequently for USD 950;
- (iii) All of the disputed domain names were subsequently offered for sale via GoDaddy;
- (iv) The information disclosed by the Registrars shows that each of the Respondents is located in the same town, two of the named Respondents, 于青青 (yu qing qing) and QINGRU WU, share the same email address, and another two, QINGRU WU and MEI WANG, share the same telephone number; and
- (v) The disputed domain names were registered within a relatively short period of time.

For the above reasons put forward by the Complainant, the Panel concludes that there are sufficient grounds to support the conclusion that the disputed domain names are subject to common control and that consolidation would be fair and equitable to all Parties. The Panel notes also that none of the Respondents has objected to the Complainant's consolidation request.

The Respondents will accordingly be referred to as the "Respondent" hereinafter.

Language of the Proceeding

The language of the Registration Agreements for the disputed domain names <adstiladrin.online>, <radstiladrin.online>, <pentasa.online>, <pentasa.xyz> and <feelplus.online> 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 fact that the language of the Registration Agreements for seven of the disputed domain names is English; and each of the disputed domain names has been resolved to English language websites offering the disputed domain names for sale.

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).

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.

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 3.0](#), section 1.7.

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

The entirety of the relevant mark is reproduced within the disputed domain names <adstiladrin.online>, <pentasa.online>, <pentasa.xyz>, <radstiladrin.online>, <adstiladrin.shop>, <adstiladrin.xyz>, <menopurpen.xyz>, <picoprep.xyz> and <radstiladrin.xyz>. Accordingly, these disputed domain names are identical to the relevant mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the mark FEEL+ is recognizable within the disputed domain names <feelplus.online> and <feelplus.xyz>. Accordingly, these disputed domain names are confusingly similar to the mark FEEL+ for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, "pen") 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 disputed domain names <menopurpen.net> and <menopurpen.xyz> and the mark MENOPUR for the purposes of the Policy – particularly in light of the fact the Complainant uses its MENOPUR mark together with its MENOPUR PEN product. [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 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.

In the present case, the evidence clearly demonstrates that the disputed domain names have been registered and used in bad faith, under paragraph 4(b)(i) of the Policy – namely, that the Respondent has registered the disputed domain names primarily for the purpose of selling them to the Complainant or to a competitor of the Complainant, for valuable consideration in excess of the Respondent's documented out-of-pocket costs directly related to the disputed domain names.

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 <menopurpen.net>, <adstiladrin.online>, <feelplus.online>, <pentasa.online>, <pentasa.xyz>, <radstiladrin.online>, <adstiladrin.shop>, <adstiladrin.xyz>, <feelplus.xyz>, <menopurpen.xyz>, <picoprep.xyz> and <radstiladrin.xyz> be transferred to the Complainant.

/Sebastian M.W. Hughes/

Sebastian M.W. Hughes

Sole Panelist

Date: December 4, 2024