

## ADMINISTRATIVE PANEL DECISION

Sanofi v. wang lao

Case No. D2024-4258

### 1. The Parties

The Complainant is Sanofi, France, represented by Selarl Marchais & Associés, France.

The Respondent is wang lao, Cambodia.

### 2. The Domain Name and Registrar

The disputed domain name <sanofis.online> and <sanofis.store> (the “Domain Names”) are registered with Gname.com Pte. Ltd. (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 16, 2024. On October 16, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On October 17, 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 (“phnom penh”) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 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 October 22, 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 October 25, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 14, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 21, 2024.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on November 25, 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 the 4th largest multinational pharmaceutical company by prescription sales. It is based in more than 100 countries employing 100,000 people with consolidated net sales of 37,7 billion euros in 2021.

The Complainant has numerous trademark registrations, for example French trademark number 3831592 (registered on May 16, 2011). It also owns numerous domain name registrations, for example <sanofi.com> registered in 1995.

The Domain Names were registered on August 13, 2024. At the time of the Complaint, the Domain Names resolved to an inaccessible logging webpage that appears to be designed to illegally collect data. At the time of drafting the Decision, the Domain Names resolved to error pages.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant provides evidence of trademark registrations and argues that its trademark is well-known. The Domain Names reproduce the Complainant's highly distinctive trademark. The addition of the letter "s" at the end of the Domain Names is insignificant to avoid confusion and just an intentional misspelling of the Complainant's trademark.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the Domain Names. The incomplete details offered by the Respondent serve as an indicator of an absence of legitimate interest. The Respondent has reproduced the Complainant's trademark in the Domain Names without authorization. The Respondent has not provided any evidence of bona fide use of, or demonstrable preparations to use, the Domain Names in connection with any legitimate offering of goods or services. The Domain Names have been used for illegal activity which establishes a lack of legitimate interest.

The Complainant argues that the fact that the Domain Names are confusingly similar to the Complainant's famous trademark by itself is sufficient evidence of bad faith registration and use. Moreover, the Respondent had both constructive and actual knowledge of the Complainant's trademark when the Respondent registered the Domain Names. The Respondent has neither prior right nor legitimate interest to justify the registration of the Domain Names. Finally, the Respondent has used the Domain Names to illegally collect data. This is evidence of bad faith use.

##### **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 Names. See [WIPO Overview 3.0](#), section 1.7.

The Complainant has established that it has rights in the trademark SANOFI. The Domain Names incorporate the Complainant's trademark with the addition of the letter "s". The addition does not prevent a finding of confusing similarity. See [WIPO Overview 3.0](#), section 1.8 and 1.9.

For the purpose of assessing the confusing similarity under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain. See [WIPO Overview 3.0](#), section 1.11.1.

Based on the available record, 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. 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 Names. The Respondent has not rebutted the Complainant’s showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Names. The Respondent is not affiliated or related to the Complainant. There is no evidence that the Respondent has registered the Domain Names as a trademark or acquired trademark rights. There is no evidence of the Respondent’s use of, or demonstrable preparations to use, the Domain Names or a name corresponding to the Domain Names in connection with a bona fide offering of goods or services. On the contrary, the Respondent’s use of the Domain Names is evidence of bad faith, see below.

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 nature of the composition of the Domain Names and the fame of the Complainant’s trademark, make it more probably than not that the Respondent was aware of the Complainant and its prior rights when the Respondent registered the Domain Names. The use of the Domain Names is further evidence of bad faith. The Respondent has attempted to attract, for commercial gain, Internet users to its websites by creating a likelihood of confusion with the Complainant’s trademark.

For the reasons set out above, the Panel concludes that the Domain Names were registered and are being 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 Names <sanofis.online> and <sanofis.store> to be transferred to the Complainant.

*/Mathias Lilleengen/*

**Mathias Lilleengen**

Sole Panelist

Date: December 5, 2024