

ADMINISTRATIVE PANEL DECISION

IPSEN v. Ipe Tesa

Case No. D2024-4276

1. The Parties

The Complainant is IPSEN, France, represented by CSC Digital Brand Services Group AB. Sweden.

The Respondent is Ipe Tesa, United Arab Emirates (the).

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 17, 2024. On October 17, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on the same day, 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 amended Complaint on October 21, 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 October 30, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 19, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 20, 2024.

The Center appointed Nicolas Ulmer as the sole panelist in this matter on November 27, 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 well-established biopharmaceutical company based in France; it reported EUR 3.128 billion in worldwide sales for 2023. The Complainant holds a number of trademarks in numerous classes for "IPSEN", which is also its company name, these trademarks include:

- United States of America trademark registration number 3868711, registered October 26, 2010;
- International trademark registration number 470005, registered July 6, 1982; and
- International trademark registration number 823036, registered March 19, 2004.

The Complainant also has a significant presence on the Internet, including through its primary website at the domain name <ipsen.com>, which was registered in 1997.

The disputed domain name redirects Internet users to the Complainant's official website and its contents.

The disputed domain name was registered on July 23, 2024.

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 disputed domain name is identical to its trademark as the Top-Level Domain ("TLD") should not be taken into account for purposes of determining paragraph 4(a)(i) of the Policy. The Complainant further contends that the Respondent is not in any way affiliated with it and has no permission or right of any kind to use its trademarks in the disputed domain name or otherwise. Finally, the Complainant asserts that the Respondent's registration of the disputed domain name can only have been with knowledge of the Complainant's rights and was made in bad faith; the Complainant then provides evidence and argument that the Respondent has also used or sought to use the disputed domain name in bad faith, notably to redirect to the Complainant's official website. While the Complainant acknowledges that it has not found evidence of the disputed domain name being used in an active fraud, it asserts and provides evidence that it is already tied to an active mail exchanger ("MX") account.

The facts underlying the Complainant's contentions are, where necessary or appropriate, further discussed in the findings below.

The Complainant requests that the disputed domain name be transferred to it.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The disputed domain name begins with and reproduces the entirety of the Complainant's IPSEN trademark; the TLD of the disputed domain name should not here be taken into account. See WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.11.1. Accordingly, the disputed domain name is identical to the Complainant's trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel thus finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

The Complainant has clearly asserted that the Respondent is not affiliated with it and has no permission or right to use its trademarks. There is no basis to believe – and it is inherently improbable – that the Respondent is known by the name "ipsen.care", nor is there any evidence that the disputed domain name has been used in connection with any bona fide offering of goods or services.

UDRP jurisprudence makes clear that a complainant needs to establish at least a prima facie case that the respondent has no rights or legitimate interests in respect of the disputed domain name. See [WIPO Overview 3.0](#), section 2.1. Where such a prima facie case is established by the complainant the burden shifts to the respondent to establish its rights or legitimate interests in the disputed domain name. Where the respondent fails to do so the complainant is generally deemed to have satisfied paragraph 4(a)(ii) of the Policy. *Id.*; see also *Meizu Technology Co. Ltd v. "Osama bin Laden"*, WIPO Case No. [DCO2014-0002](#):

The Complainant has here established such a prima facie case and the Respondent, having failed to answer the Complaint, has not rebutted it. There is furthermore nothing in the case file that would contradict or undermine the Complainant's assertions as to the Respondent's lack of any rights or legitimate interests in the disputed domain name.

It follows that the Complainant has met its burden under paragraph 4(a)(ii) of the Policy, and that the second element is proven.

C. Registered and Used in Bad Faith

The disputed domain name identically contains the Complainant's established trademark, which is also the Complainant's well-known company name. The addition of the TLD ".care", while not to be taken into account for the first element above, is here pertinent to a finding of bad faith. The Complainant is in the pharmaceutical and health business, the addition of the TLD ".care" to the Complainant's trademark and corporate name suggests that the disputed domain name is linked to that business. This is strong indicia of a bad faith intent by the Respondent as it also suggests an affiliation with the Complainant and likely intent to profit from the same. In sum, it is evident that the disputed domain name was not chosen by serendipity and must have been registered in bad faith.

On the facts here present, i.e., the deliberate adoption of a well-known trademark and company name, it is difficult to see to what good faith use the disputed domain name could be put. This view is further supported by the fact that the disputed domain name resolves to the Complainant's actual official website, a deliberate act by the Respondent to engender confusion and conflate the disputed domain name with the Complainant's business. The evidence that the disputed domain name has active MX records, a tool now often used for phishing and fraudulent email activity linked to a domain name, is further indicia of bad faith use. See *bioMérieux v. Registration Private, Domains By Proxy, LLC / Milton Bardmess*, WIPO Case No. [D2020-3499](#)

The Respondent's use of seemingly false or incomplete information in connection with the registration of the disputed domain name here adds further indicia of bad faith.

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 <ipsen.care> be transferred to the Complainant.

/Nicolas Ulmer/

Nicolas Ulmer

Sole Panelist

Date: December 11, 2024