

ADMINISTRATIVE PANEL DECISION

Haleon UK IP Limited v. Zhao Hao and Angelica Belova
Case No. D2023-3147

1. The Parties

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

The Respondents are Zhao Hao, China, and Angelica Belova, Spain.

2. The Domain Names and Registrar

The disputed domain names <haleonhealthcare.com> and <haleonhealthpartner.net> are registered with 1API GmbH (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 21, 2023. On July 21, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On July 24, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 25, 2023 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 July 25, 2023.

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 of the Complaint, and the proceedings commenced on August 2, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 22, 2023. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on August 28, 2023.

The Center appointed Mihaela Maravela as the sole panelist in this matter on September 8, 2023. 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

According to information in the Complaint, the Complainant, formerly GlaxoSmithKline Consumer Healthcare (UK) IP Limited, is a British multinational consumer healthcare company. The Complainant is the holder of various large-scale multinational 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 more than 24,000 employees.

The Complainant is the owner of various registered trademarks that include HALEON in various jurisdictions throughout the world, including the following:

- International trademark registration No. 1674572 for HALEON, registered as of November 29, 2021 for goods and services in Classes 3, 5, 9, 10, 21, 29, 30, 32, 35, 36, 41, 42, 44;
- UK trademark registration No. UK00003726732 for HALEON, registered as of March 11, 2022 for goods and services in Classes 3, 5, 9, 10, 21, 29, 30, 32, 35, 36, 41, 42, 44.

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 website also advertises job vacancies for roles based in a wide variety of countries. The Complainant is present on various social media platforms.

The disputed domain names were registered on April 20, 2022. According to evidence provided with the Complaint, both disputed domain names redirected, at the date of the Complaint, to a Sedo page offering them for sale for EUR 9,500. At the date of the Decision, each of the disputed domain names resolves to a parking page with links to third party services in the medical healthcare field and the disputed domain name <haleonhealthpartner.net> is also offered for sale for USD 9,500.

The Respondents appear to be two physical persons located in China and in Spain respectively.

The Complainant's representatives sent a cease-and-desist letter to the Respondents on August 8, 2022, to which it received no response.

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 disputed domain names are confusingly similar to the Complainant's HALEON trademark, as the disputed domain names clearly contain the Complainant's HALEON trademark, in addition to the words "health care" and "health partner". As per the Complainant, adding a generic word to a trademark does not negate similarity between the trademark and the disputed domain names. The Complainant submits that the Haleon term is a coined amalgamation of an old English word "hale", meaning "in good health", and "leon", which is associated with the word "strength" and that it is therefore a distinctive, non-dictionary term.

As regards the second element, the Complainant submits that the Respondents have not received a license from the Complainant to use the disputed domain names featuring the HALEON trademark. The Respondents have not used, nor prepared to use, the disputed domain names in connection with a *bona fide* offering of goods or services, as the disputed domain names are used to redirect Internet users to a page on the platform Sedo.com, advertising them for sale. The Complainant's trademark is distinctive and the additional terms either relate directly to the Complainant's industry (health care) or directly to a related website of the Complainant (health partner). The Respondents' use of the disputed domain names which are confusingly similar to the Complainant's distinctive HALEON trademark, for the sole purpose of advertising them for sale, does not constitute fair nor legitimate noncommercial use. The Respondents seek to make commercial gain from selling the disputed domain names for EUR 9,500 each, a figure far in excess of their registration costs.

With respect to the third element, the Complainant argues that its trademark registrations predate the creation date of the disputed domain names. The HALEON brand's February 2022 launch received large-scale media coverage, being circulated in major news outlets around the world. This occurred only two months before the registration of the disputed domain names. The Respondents' knowledge of the Complainant and its HALEON trademark is evidenced by the Respondents' choice to register the disputed domain names containing the trademark appended by terms which directly refer to the services offered thereunder. As regards the use, the Respondents have attempted to sell the disputed domain names for consideration in excess of their registration and maintenance costs. Further, the Complainant contends that the Respondents have engaged in a pattern of bad faith as described under paragraph 4(b)(ii) of the Policy, as the Respondents, under different aliases, registered at least 14 domain names including the term "Haleon", which all directed to a Sedo.com webpage advertising them for sale.

B. Respondents

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

6. Discussion and Findings

6.1 Procedural Issue: Consolidation of Multiple Respondents

Consolidation of multiple domain name disputes under paragraphs 3(c) and 10(e) of the Rules may be appropriate where the particular circumstances of a case indicate that common control is being exercised over the disputed domain names or the websites to which the disputed domain names resolve and the panel, having regard to all of the relevant circumstances, determines that consolidation would be procedurally efficient and fair and equitable to all parties. According to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2, "Where a complaint is filed against multiple respondents, panels look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. Procedural efficiency would also underpin panel consideration of such a consolidation scenario".

In the present case, the Panel finds that the consolidation of the disputed domain name is justified as, *inter alia*: (i) the disputed domain names were registered with the same Registrar; (ii) the disputed domain names were registered on the same day, less than four minutes apart, (iii) the disputed domain names are similar in construction that they both incorporate the Complainant's trademark with the addition of other terms related to the Complainant's industry, (iv) the disputed domain names were both offered for sale on the same platform for the same amount of money.

Under the circumstances, the Panel finds that the consolidation is fair to the Parties, and the Respondents have been given an opportunity to object to the Complainant's request for consolidation through the submission of pleadings to the Complaint, but have chosen not to try to rebut the consolidation (see [WIPO Overview 3.0](#), section 4.11.2). Based on the available record, the Panel finds that it is more likely than not that the disputed domain names are subject to common control; hence, the Panel grants the consolidation

for the disputed domain names and will refer to the Respondents as the “Respondent” hereinafter.

6.2 Substantive Issues

No response has been received from the Respondent in this case. Accordingly, the Panel considers it can proceed to determine the Complaint based on the statements and documents submitted by the Complainant as per paragraph 15(a) of the Rules. The applicable standard of proof in UDRP cases is the “balance of probabilities” or “preponderance of the evidence”, and the Panel can draw certain inferences in light of the particular facts and circumstances of the case. See section 4.2 of the [WIPO Overview 3.0](#).

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights, (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain names, and (iii) the disputed domain names have been registered and are being used in bad faith.

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 trademark and the disputed domain names. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the entirety of the mark is reproduced within the disputed domain names. Accordingly, the disputed domain names are identical or confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. While the addition of other terms here, “healthcare” and “healthpartner” may bear on assessment of the second and third elements, the Panel finds the addition of such terms do not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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. [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 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.

There is no evidence in the record that the Respondent is using the disputed domain names in connection with a *bona fide* offering of goods or services, nor does the Respondent appear to engage in any legitimate noncommercial or fair use of the disputed domain names within the meaning of paragraphs 4(c)(i) and (iii) of the Policy. Also, there is no evidence that the Respondent is commonly known by the disputed domain names within the meaning of paragraph 4(c)(ii) of the Policy.

Furthermore, the nature of the disputed domain names carries a risk of implied affiliation and cannot constitute a fair use as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. See section 2.5.1 of the [WIPO Overview 3.0](#).

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.

In the present case, the Panel notes that the Complainant's registration and use of the relevant trademarks predate the date at which the Respondent registered the disputed domain names. Given the distinctiveness of the Complainant's trademark, and the composition of the disputed domain names, that include the distinctive term HALEON and the terms pertaining to the Complainant's industry, it is reasonable to infer that the Respondent has registered the disputed domain names with full knowledge of the Complainant's trademarks, and to target those trademarks.

As regards the use, the Panel notes that according to the unrebutted evidence put forward by the Complainant, the disputed domain names were put for sale at a minimum price of EUR 9,500 (and currently USD 9,500 for the disputed domain name <haleonhealthpartner.net>). This element sustains in the Panel's view the conclusion of bad faith registration and use of the disputed domain names, primarily for the purpose of selling these to the Complainant under paragraph 4(b)(i) of the Policy.

The disputed domain names are currently used by the Respondent to direct to the websites displaying pay-per-click advertisements for services related to the Complainant's services. Given the confusing similarity between the HALEON trademark and the disputed domain names, Internet users would likely be confused into believing that the Complainant is affiliated with the website to which the disputed domain names resolve. Presumably the Respondent intends to benefit from the confusion created: it is likely that the Respondent earns income when Internet users click on the links in search of HALEON services.

There is no evidence in the record of a legitimate use of the disputed domain names. The trademark of the Complainant is distinctive and widely used in commerce as per the evidence provided with the Complaint. UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. See section 3.1.4 of the [WIPO Overview 3.0](#).

Moreover, the Respondent has not participated in these proceedings and has failed to rebut the Complainant's contentions and to provide any evidence of actual or contemplated good-faith use and indeed none would seem plausible.

Based on the available record, 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 names, <haleonhealthcare.com> and <haleonhealthpartner.net>, be transferred to the Complainant.

/Mihaela Maravela/

Mihaela Maravela

Sole Panelist

Date: September 22, 2023