

ADMINISTRATIVE PANEL DECISION

Regeneron Pharmaceuticals, Inc. v. Reneg
Case No. D2023-4391

1. The Parties

Complainant is Regeneron Pharmaceuticals, Inc., United States of America ("United States"), represented by Ruggiero McAllister & McMahon LLC, United States.

Respondent is Reneg, United States.

2. The Domain Name and Registrar

The disputed domain name <regeneroncare.com> is registered with Squarespace Domains II LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 23, 2023. On October 24, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 31, 2023, 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 (Contact Privacy Inc. Customer 7151571251) and contact information in the Complaint. The Center sent an email communication to Complainant on November 1, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed a first amended Complaint on November 3, 2023, and a second amended Complaint on November 11, 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 Respondent of the Complaint, and the proceedings commenced on November 13, 2023. In accordance with the Rules, paragraph 5, the due date for Response was December 3, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on December 6, 2023.

The Center appointed Georges Nahitchevansky as the sole panelist in this matter on December 13, 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

Complainant, Regeneron Pharmaceuticals, Inc., is a United States based pharmaceutical company engaged in the research, development and manufacture of pharmaceutical products. Complainant owns numerous trademark registrations for the mark REGENERON around the world in connection with its products and services. Of particular relevance here, Complainant owns a number of registrations for REGENERON as a word mark in the United States, including, *inter alia*, Registration Nos. 1654595, 1933337, 4402743, 4402744 and 5167999, the earliest which issued to registration in 1991. Complainant also owns and uses the domain name <regeneron.com> for a website that promotes Complainant's products and activities.

Respondent registered the disputed domain name on August 31, 2023. Since registering the disputed domain name, Respondent has used such as a redirect to Complainant's website at "www.regeneron.com". On September 14, 2023, Complainant's attorneys sent a demand letter to Respondent through the privacy service being used for the disputed domain name. On September 15, 2023, Complainant's attorneys received an email from an individual with a name other than Respondent regarding the disputed domain name. That email simply provided as follows: "Thank you for reaching out. Our legal team is looking into this matter and will contact you next week. Thank you for your understanding." No further communication was received from Respondent. Currently, the disputed domain name does not resolve to an active website or page.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, Complainant contends that it has strong rights in the REGENERON mark, that the disputed domain name incorporates and trades upon Complainant's REGENERON mark and that it has been registered and is being used in bad faith as a redirect to Complainant's website at "www.regeneron.com" in what is likely some type of "fraudulent / phishing activity and illicit financial gain."

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name was registered and is 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 Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

Based on the available record, the Panel finds 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 further finds the entirety of Complainant's REGENERON mark is reproduced within the disputed domain name. Although the addition of the term "care" may bear on the 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 name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8. Accordingly, the disputed domain name is confusingly similar to Complainant's REGENERON mark for purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 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 Complainant has established a *prima facie* case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

Here, Respondent has only used the disputed domain name as a redirect to Complainant's website at "www.regeneron.com". While it is not altogether clear what Respondent's ultimate purpose for doing so might be, the evidence before the Panel suggests that Respondent is not using the disputed domain name for any legitimate purpose and, in fact, could be using such for a phishing or other nefarious scheme. As the disputed domain name is likely to be seen as connected to Complainant, given the use of the full REGENERON mark with the word "care" which relates specifically to the type of products developed and manufactured by Complainant, the use of the disputed domain name as a redirect cannot be seen as a legitimate action, but as likely attempt to confuse consumers for the profit or benefit of Respondent. To be sure, because Respondent controls the disputed domain name, Respondent could at any time change the use of the disputed domain name for some other scheme.

Based on the available record, the Panel finds that the second element of the Policy has been established by Complainant.

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 reiterates that Respondent has registered and only used the disputed domain name, which is based on Complainant's REGENERON mark, as a redirect to Complainant's website at "www.regeneron.com". As already noted above, such use is not legitimate and is likely part of a fraudulent or other nefarious scheme. That this is more than likely than not the case is underscored by Respondent's (i) failure to respond to Complainant's demand letter, (ii) failure to appear in this proceeding, and (iii) use of a likely bogus alias, "reneg," to register the disputed domain name. In all, Respondent's actions amount to a bad faith attempt to take advantage of Complainant's rights in its longstanding REGENERON mark for Respondent's profit or benefit.

Having reviewed the record, the Panel finds Respondent's registration and use of the disputed domain name constitutes bad faith under 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 <regeneroncare.com> be transferred to Complainant.

/Georges Nahitchevansky/

Georges Nahitchevansky

Sole Panelist

Date: December 27, 2023