

## ADMINISTRATIVE PANEL DECISION

Teva Pharmaceutical Industries Ltd. v. Name Redacted  
Case No. D2022-1461

### 1. The Parties

The Complainant is Teva Pharmaceutical Industries Ltd., Israel, represented by SILKA AB, Sweden.

The Respondent is Name Redacted<sup>1</sup>.

### 2. The Domain Name and Registrar

The disputed domain name <tevapharam.com> is registered with Wild West Domains, LLC (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 23, 2022. On April 25, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 26, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on April 28, 2022, 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 April 28, 2022.

The Respondent sent the Center informal communication email on April 28, 2022, stating that their identity had been stolen to register the disputed domain name. On the same day, the Complainant sent the Center a confirmation thereof. On April 29, 2022, the Center invited the parties for a possible settlement. Upon confirmation from the Complainant on May 2, 2022, the Center suspended the proceedings on the same day. However, the parties have failed to come to a settlement. Upon request of the Complainant on June 1, 2022, the proceedings were reinstated.

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<sup>1</sup> The Respondent appears to have used the name of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, [WIPO Case No. D2009-1788](#).

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 June 2, 2022. In accordance with the Rules, paragraph 5, the due date for Response was June 22, 2022. Despite their informal communication email, the Respondent did not submit any formal response. Accordingly, the Center notified the Commencement of Panel Appointment Process on June 23, 2022.

The Center appointed Mihaela Maravela as the sole panelist in this matter on July 8, 2022. 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.

The language of the proceeding is English, being the language of the Registration Agreement, as per paragraph 11(a) of the Rules.

#### **4. Factual Background**

According to the un rebutted information in the Complaint, the Complainant was established in 1935 and it is a leading global pharmaceutical company. The Complainant was one of the world’s largest generic medicines producer in 2018 and has a world-leading position in innovative treatments for disorders of the central nervous system, including pain, as well as a strong portfolio of respiratory products. The Complainant produced approximately 120 billion tablets and capsules in 2017 at dozens of manufacturing facilities worldwide.

The Complainant has registered several trademarks consisting of TEVA and TEVAPHARM including the European Union Trademark Registration no. 000115394 for TEVA (figurative), registered on April 29, 1998, in the International class 5, the International Trademark Registration no. 1319184 for TEVA (figurative), registered on June 15, 2016, in the International classes 5, 10 and 42, or the Danish Trademark Registration no. VR 2011 02130 TEVAPHARM (word mark), registered on August 31, 2011, in the International classes 5, 10 and 35.

The Complainant owns and operates various domain names reflecting its trademark, including <tevapharm.com>, registered on June 14, 1996, which hosts a website that displays information about the Complainant and its activities.

The disputed domain name was registered on June 18, 2020. At the time of the filing of the Complaint, the disputed domain name resolved to a website with pay-per-click (“PPC”) links related to the pharmaceutical industry, which also includes as a “get this domain” button. At the date of the decision, it does not resolve to any active website.

#### **5. Parties’ Contentions**

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

The Complainant argues that the disputed domain name incorporates the Complainant’s TEVA trademark in its entirety, which is clearly recognizable in the disputed domain name. In addition to the Complainant’s TEVA trademark, the disputed domain name also incorporates the combination of letters “pharam”, which is a misspelling of the term “pharma”, partially included in the Complainant’s trademark TEVAPHARM, and in the Complainant’s company name. Moreover, in the Complainant’s view, the use of “tevapharam” in the

disputed domain name amounts to a clear case of “typosquatting” of TEVAPHARM, and it does not prevent a finding of confusing similarity.

With respect to the second element, the Complainant argues that the Respondent is not a licensee of the Complainant, and it has not received any consent, permission or acquiescence from the Complainant to use its TEVA trademarks in association with the registration of the disputed domain name. Also, the Complainant has found no evidence that the Respondent has been commonly known, prior to or after the registration of the disputed domain name, by the terms “tevapharam.com” or by “tevapharam”. The Respondent has not used the disputed domain name in good faith or for a noncommercial activity; rather, the disputed domain name resolves to a website displaying PPC links related to the pharmaceutical industry (in which the Complainant operates), which also includes a “get this domain” button. The Complainant concludes that the disputed domain name seeks to capitalize on the reputation and goodwill of the Complainant’s TEVA trademark, misleading consumers into thinking that the disputed domain name is operated by or affiliated with the Complainant.

In what concerns the third element, the Complainant argues that taking into account the worldwide reputation of the Complainant and its trademarks, the composition of the disputed domain name which comprises the Complainant’s TEVA trademark in full, and that the disputed domain name is a misspelling of the Complainant’s domain name <tevapharm.com> and of its trademark TEVAPHARM, as well as the fact that the mentioned trademarks significantly predates the registration date of the disputed domain name, it is most likely to be believed that the Respondent registered the disputed domain name with the Complainant’s trademark in mind. As regards the use, the Complainant argues that the disputed domain name directs to a parking page containing commercial links related to the Complainant’s field of activity, therefore the Respondent is seeking to take unfair advantage of the Complainant’s goodwill by profiting from the confusion so caused. In addition, the “buy this domain” section of the disputed domain name, which resolves to a “Domain Broker Service” makes plausible to infer that the Respondent registered the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name to the Complainant or to a competitor of the Complainant, for valuable consideration in excess of the documented out-of-pocket costs directly related to the disputed domain name.

## **B. Respondent**

The Respondent did not submit a formal response to the Complainant’s contentions.

## **6. Discussion and Findings**

### **6.1 Preliminary Matters**

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, WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)).

### **6.2 Substantive Matters**

Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following elements:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name was registered and is being used in bad faith.

## A. Identical or Confusingly Similar

The Complainant has provided evidence of its rights in the TEVA and TEVAPHARM trademarks. The trademark TEVA is reproduced in its entirety in the disputed domain name. The addition of “pharam”, which is a misspelling of “pharma”, does not prevent a finding of confusing similarity with the Complainant’s trademark TEVA, which is easily recognizable in the disputed domain name. The fact that a domain name wholly incorporates a complainant’s trademark is sufficient to establish identity or confusing similarity for the purpose of the Policy, despite the addition of other words to such trademarks. The addition of an other term (whether descriptive, geographical, pejorative, meaningless, or otherwise) does not prevent a finding of confusing similarity. See section 1.8 of the [WIPO Overview 3.0](#). The disputed domain name is also a misspelled version of the Complainant’s TEVAPHARM trademark. It is accepted by UDRP panels that a domain name which consists of a common, obvious or intentional misspelling of the trademark does not prevent a finding of confusing similarity for purposes of the first element of the Policy. See section 1.9 of the [WIPO Overview 3.0](#).

It is well accepted by UDRP panels that a generic Top-level-Domain (“gTLD”), such as “.com”, is typically ignored when assessing whether a domain name is identical or confusing similar to a trademark. See section 1.11 of the [WIPO Overview 3.0](#).

This Panel concludes that the disputed domain name is confusingly similar to the Complainant’s trademarks and therefore finds that the requirement of paragraph 4(a)(i) of the Policy is satisfied.

## B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, the Complainant has the burden of establishing that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

As established by previous UDRP panels, it is sufficient for the Complainant to make a *prima facie* case demonstrating that the Respondent has no rights or legitimate interests in the disputed domain name in order to place the burden of production on the Respondent (see section 2.1 of the [WIPO Overview 3.0](#)).

In the present case, the Complainant has established a *prima facie* case that it holds rights over the trademark TEVA and TEVAPHARM and claims that the Respondent has no rights, legitimate interest or any legitimate reason to acquire and use the disputed domain name.

There is no evidence that the Respondent is using the disputed domain name 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 name. Rather, according to the unrebutted evidence put forward by the Complainant, at the date of the Complaint the disputed domain name was used to host a parked page comprising PPC links to competing services. According to section 2.9 of the [WIPO Overview 3.0](#). “Applying UDRP paragraph 4(c), panels have found that the use of a domain name to host a parked page comprising PPC links does not represent a *bona fide* offering where such links compete with or capitalize on the reputation and goodwill of the complainant’s mark or otherwise mislead Internet users”. In this case, the PPC links are related to the third parties’ websites operating in the same field as the Complainant. In this Panel’s view, such use does not confer rights or legitimate interests to the Respondent.

Also, there is no evidence that the Respondent is commonly known by the disputed domain name.

The Respondent has not replied to the Complainant’s contentions, claiming any rights or legitimate interests in the disputed domain name.

With the evidence on file, the Panel finds that the requirement of paragraph 4(a)(ii) of the Policy is satisfied.

### **C. Registered and Used in Bad Faith**

According to paragraph 4(a)(iii) of the Policy, the Complainant must establish that the disputed domain name has been registered and is being used in bad faith. The Policy indicates that certain circumstances specified in paragraph 4(b) of the Policy may, "in particular but without limitation", be evidence of the disputed domain name's registration and use in bad faith.

The disputed domain name was registered many years after the Complainant has obtained registration of its TEVA and TEVAPHARM trademarks. The website associated with the disputed domain name contained PPC links related to the products or services offered by the Complainant. Under these circumstances, the Panel considers that the Respondent has registered the disputed domain name with knowledge of the Complainant and its trademark and that it targeted that trademark.

As regards the use of the disputed domain name, from the evidence put forward by the Complainant and not rebutted by the Respondent, it results that the disputed domain name was used to redirect Internet traffic to a website displaying PPC advertisements for the pharmaceutical goods of third parties – related to the Complainant's field of activity. Given the confusing similarity between the Complainant's TEVA and TEVAPHARM trademarks and the disputed domain name, and that the PPC links operate for the commercial gain of the Respondent or of the operators of those linked websites, or both, the Panel considers that the disputed domain name is intended to attract Internet users by creating a likelihood of confusion with the Complainant's TEVA and TEVAPHARM trademarks as to the source, sponsorship, affiliation, or endorsement of the Respondent's websites or other online location of a service offered on such other online location within the terms of paragraph 4(b)(iv) of the Policy.

Moreover, the Respondent seems to have impersonated the identity of a third party when registering the disputed domain name.

In the Panel's view, the circumstances of the case represent evidence of registration and use in bad faith of the disputed domain name. The Respondent failed to bring evidence as to the contrary. Consequently, the Panel concludes that the condition of paragraph 4(a)(iii) of the Policy is fulfilled.

### **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 <tevapharam.com> be transferred to the Complainant.

*/Mihaela Maravela/*

**Mihaela Maravela**

Sole Panelist

Date: July 22, 2022