

## ADMINISTRATIVE PANEL DECISION

Idorsia Pharmaceuticals Ltd v. Thomas Marin, PPRO  
Case No. D2022-2834

### 1. The Parties

The Complainant is Idorsia Pharmaceuticals Ltd, Switzerland, represented by SILKA AB, Sweden.

The Respondent is Thomas Marin, PPRO, United States of America (“United States”).

### 2. The Domain Name and Registrar

The disputed domain name <idorzsia.com> (the “Domain Name”) is registered with Hostinger, UAB (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 1, 2022. On August 2, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On August 3, 2022, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 August 5, 2022. In accordance with the Rules, paragraph 5, the due date for Response was August 25, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 28, 2022.

The Center appointed Ian Lowe as the sole panelist in this matter on September 5, 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.

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

The Complainant is a biopharmaceutical company based in Allschwil, Switzerland specialized in the discovery, development and commercialization of innovative small molecules for therapeutic purposes. Its net revenue for the financial year to 2021 was over Swiss Francs 35 million and it has more than 1,000 employees worldwide with a commercial presence in the United States, Japan, and the largest markets in Europe. The Complainant hosts a website at “www.idorsia.com” providing information about the Complainant and its products.

The Complainant is the proprietor of a large number of registered trademarks comprising IDORSIA, including Switzerland trademark number 610174 IDORSIA registered on January 11, 2011 and International trademark number 1388496 stylized word mark “idorsia”, registered on November 22, 2017 designating a number of territories including the European Union and the United States.

The Domain Name was registered on July 4, 2022. It does not resolve to an active website, but has been used to send emails from an address \*\*\*@idorzsia.com to the Head of Financial and Accounting at the Japanese associate company of the Complainant, purporting to come from the Chief Financial Officer of the Complainant. This appears to be an attempt at what is commonly known as a Chief Executive Fraud by which an employee is induced to make a fraudulent payment believing the instructions to come from a senior executive of the company.

#### **5. Parties’ Contentions**

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

The Complainant contends that the Domain Name is confusingly similar to its IDORSIA trademarks, that the Respondent has no rights or legitimate interests in respect of the Domain Name and that the Respondent registered and is using the Domain Name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

According to paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

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

##### **A. Identical or Confusingly Similar**

The Complainant has uncontested rights in the trademark IDORSIA, both by virtue of its many trademark registrations around the world and as a result of the goodwill and reputation acquired through use by the Complainant and its predecessor of the IDORSIA mark over many years. Ignoring the generic Top-Level Domain (“gTLD”) “.com”, the Domain Name is identical to the Complainant’s mark save for the addition of the letter “z”. In the Panel’s view, this amounts to classic “typosquatting” intended to take advantage of email recipients not noticing the additional letter, and intended to be confusingly similar to the Complainant’s mark.

The additional letter does not prevent a finding of confusing similarity. Accordingly, the Panel finds that the Domain Name is confusingly similar to a mark in which the Complainant has rights.

### **B. Rights or Legitimate Interests**

The Complainant has made out a strong *prima facie* case that the Respondent could have no rights or legitimate interests in respect of the Domain Name. The use of the Domain Name for an email address intended to deceive recipients into believing that emails were sent from a legitimate account of the Complainant could not possibly demonstrate rights or legitimate interests. The Respondent has chosen not to respond to the Complaint and has accordingly failed to counter the *prima facie* case established by the Complainant. In the circumstances, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the Domain Name.

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

In the circumstances, given the nature of the Domain Name and its use for fraudulent emails purporting to originate with an employee of the Complainant, the Panel considers it inconceivable that the Respondent did not have the Complainant and its rights in the IDORSIA mark in mind when it registered the Domain Name. The registration and subsequent use of the Domain Name to send fraudulent emails of the kind described above amounts to paradigm bad faith registration and use for the purposes of paragraph 4(a) 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 Domain Name <idorzsia.com> be transferred to the Complainant.

*/Ian Lowe/*

**Ian Lowe**

Sole Panelist

Date: September 19, 2022