

ADMINISTRATIVE PANEL DECISION

Teva Pharmaceutical USA, Inc. v. DOMAIN IS FOR SALE AT
WWW.DAN.COM ---- c/o Dynadot, Domain Administrator
Case No. D2022-3450

1. The Parties

The Complainant is Teva Pharmaceutical USA, Inc., United States of America (“United States”), represented by SILKA AB, Sweden.

The Respondent is Domain Administrator, DOMAIN IS FOR SALE AT WWW.DAN.COM ---- c/o Dynadot, Cayman Islands, United Kingdom.

2. The Domain Names and Registrar

The disputed domain names <abequo.com>, <genmygo.com>, <iqualbi.com> and <jayziq.com> are registered with Dynadot, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 16, 2022, including the disputed domain names and four additional domain names. On September 16, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On September 17, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on September 20, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. On September 26, 2022, the Complainant requested to withdraw four domain names with different underlying registrant details from the Complaint and filed an amended Complaint on September 28, 2022. The partial withdrawal was duly notified on September 28, 2022.

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 September 28, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 18, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 19, 2022.

The Center appointed Kathryn Lee as the sole panelist in this matter on October 25, 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 pharmaceutical company, established in 1935 in the United States. It is one of the largest generic medicine producers in the world with 42,000 employees in over 60 countries. It has rights in the trademarks ABEQUO, GENMYGO, IQUALBI, and JAYZIQ in the European Union as follows:

Trademark	European Union Trademark Application Filing Date	European Union Trademark Registration Date	European Union Trademark Registration Number
ABEQUO	March 2, 2022	July 13, 2022	018665668
GENMYGO	March 2, 2022	June 28, 2022	018665676
IQUALBI	March 2, 2022	June 28, 2022	018665671
JAYZIQ	March 2, 2022	June 28, 2022	018665677

Further, the Complainant has pending trademark applications in the United States as follows:

Trademark	US Trademark Application Filing Date	US Trademark Application Filing Number	Status of Application
ABEQUO	January 26, 2022	97239485	Pending
GENMYGO	February 1, 2022	97247938	Pending
IQUALBI	February 1, 2022	97247940	Pending
JAYZIQ	February 1, 2022	97247880	Pending

The Respondent appears to be an individual with an address in the Cayman Islands, United Kingdom.

The disputed domain names were registered as follows and each resolves to a page displaying an offer for sale of the disputed domain name for USD 995:

- <abequo.com> registered on January 29, 2022,
- <genmygo.com> registered on February 4, 2022,
- <iqualbi.com> registered on February 4, 2022,
- <jayziq.com> registered on February 4, 2022.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain names are identical to the ABEQUO, GENMYGO, IQUALBI, and JAYZIQ trademarks in which the Complainant has rights.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain names and confirms that it has not authorized or licensed rights to the Respondent in any respect. The Complainant further contends that the Respondent's use of the disputed domain names to display offers

of sale does not constitute a *bona fide* offering of goods and services.

Finally, the Complainant contends that the disputed domain names were registered and are used in bad faith. The Complainant contends that ABEQUO, GENMYGO, IQUALBI, and JAYZIQ are coined terms, and that the Respondent registered the four disputed domain names which coincide identically to these marks just days after trademark applications for these marks were filed in the United States. Therefore, the Complainant contends, there is a strong inference to be made that the Respondent registered the disputed domain names after learning of the trademark applications on the United States Patent and Trademark Office website, believing that they will have commercial value to the Complainant, and that the Complainant would be interested in obtaining the corresponding domain names. Moreover, the Respondent has advertised the disputed domain names for sale, and based on this, the Respondent has clearly acted to either sell the disputed domain names to the Complainant or a competitor, capitalizing on the Complainant's trademark rights and preventing the Complainant from reflecting its trademarks in the corresponding domain names.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

According to WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 1.1.3, the Complainant's trademark rights must be in existence at the time the Complaint is filed. The Complainant has demonstrated with supporting evidence that it holds trademark registrations to the marks ABEQUO, GENMYGO, IQUALBI, and JAYZIQ in the European Union. The disputed domain names each solely consists of the terms "abequo", "genmygo", "igualbi", and "jayziq", and are therefore, identical to the Complainant's trademarks.

For the reasons mentioned above, the Panel finds that the first element has been established.

B. Rights or Legitimate Interests

On the basis of the present record, the Panel finds that the Complainant has made the required allegations to support a *prima facie* showing that the Respondent has no rights or legitimate interests in the disputed domain names. Once such a *prima facie* basis has been established, the Respondent carries the burden of demonstrating its rights or legitimate interests in the disputed domain names. However, the Respondent in this case has chosen to file no response to these assertions by the Complainant, and there is no evidence or allegation in the records that would warrant a finding in favor of the Respondent on this point.

For the reasons provided above, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain names, and that the second element has been established.

C. Registered and Used in Bad Faith

The Panel finds that there is sufficient evidence to find bad faith in this case.

Panels have taken the view that the practice of registering a domain name for subsequent resale does not by itself support a finding of bad faith on the part of the respondent, but will find bad faith if the circumstances indicate that the respondent's intent in registering the domain name was to profit from or otherwise exploit the complainant's trademark. See [WIPO Overview 3.0](#) section 3.1.1. Here, the Respondent registered four domain names, each of which corresponds exactly to four highly distinctive marks of the Complainant just days after trademark applications for the marks were filed before with the United States Patent Trademark

Office and details of which were published on an online database. Based on the circumstances, no other conclusion can be reached than that the Respondent fully knew of the Complainant's nascent trademark rights and registered the disputed domain names in order to unfairly benefit commercially from the Complainant's marks and their association with the Complainant in some way. See [WIPO Overview 3.0](#) section 3.8.2.

For the reasons given above, the Panel finds that the third and final element 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, <abequo.com>, <genmygo.com>, <iqualbi.com>, and <jayziq.com> be transferred to the Complainant.

/Kathryn Lee/

Kathryn Lee

Sole Panelist

Date: November 8, 2022