

ADMINISTRATIVE PANEL DECISION

Sanofi Pasteur v. Domain Admin

Case No. D2024-4844

1. The Parties

The Complainant is Sanofi Pasteur, France, represented by Selarl Marchais & Associés, France.

The Respondent is Domain Admin, United States of America ("United States").

2. The Domain Names and Registrar

The disputed domain names <vaxrabeo.com> and <vaxrabia.com> are registered with Dynadot Inc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 23, 2024. On November 25, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On November 26, 2024, 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 November 29, 2024, 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 December 10, 2024.

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 December 6, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 26, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 27, 2024.

The Center appointed Kiyoshi Tsuru as the sole panelist in this matter on January 8, 2025. 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 part of the French multinational pharmaceutical company Sanofi, which has a presence in over 100 countries, employing 100,000 people (hereinafter, the Complainant and Sanofi will be collectively referred to as the “Complainant”). The Complainant is the fourth largest multinational pharmaceutical company by prescription sales, and has spent more than EUR 6.7 billion in research and development purposes translating into a wide range of prescription drugs in 7 major therapeutic areas. The Complainant produces more than 1 billion vaccine doses a year, making possible the immunization of more than 500 million people around the world.

The Complainant is the owner of several trademark registrations including:

Trademark	Registration No.	Jurisdiction	Date of Registration	Priority Date	Class
VAXRABEO	018763277	European Union	February 18, 2023.	-	Class 5.
VAXRABEO	7489011	United States	August 27, 2024.	July 22, 2022.	Class 5.
VAXRABIA	018763283	European Union	February 23, 2023.	-	Class 5.
VAXRABIA	7489015	United States	August 27, 2024.	July 22, 2022.	Class 5.

The Complainant owns the domain name <sanofi.com>, which resolves to the Complainant’s main website. The Complainant’s domain name <sanofi.com> was registered on October 13, 1995.

The disputed domain names <vaxrabeo.com> and <vaxrabia.com> were registered on May 16, 2024. At the time of writing this decision, the disputed domains name resolve to a default parking website advertising the sale of the disputed domain names with their price – both of the disputed domain names are listed for USD 2,850.

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 the following:

I. Identical or Confusingly Similar

That the Complainant’s VAXRABEO and VAXRABIA trademark registrations predate the registration of the disputed domain names, and that the Respondent cannot simply ignore the Complainant whose trademarks are used worldwide.

That the disputed domain names reproduce the Complainant's VAXRABEO and VAXRABIA trademarks, which do not bear any particular meaning, and therefore are highly distinctive.

That the Complainant is a multinational company in the pharmaceutical field, using for more than 40 years the trademark and tradename SANOFI all over the world.

That the reproduction of the Complainant's VAXRABEO and VAXRABIA trademarks are the unique and dominant part of the disputed domain names, which are confusingly similar to the Complainant's VAXRABEO and VAXRABIA trademarks, regardless of the generic Top-Level Domain ("gTLD") extension ".com", because the disputed domain names comprise an exact reproduction of said trademarks.

That it has been established in UDRP precedents that when a disputed domain name wholly incorporates a trademark in its entirety, "it is confusingly similar to that trademark despite the addition of a word or in this case, of a descriptive term" (and cites *Oki Data Americas Inc v. ASD Inc*, WIPO Case No. [D2001-0903](#), and *Sanofi v. vddfwees qqweadsgg*, WIPO Case No. [D2013-1740](#)).

That the likelihood of confusion is ascertained by the reputation of the Complainant's trade name, trademarks, domain names and goodwill, and that in this regard previous panels have considered the Complainant's SANOFI trademarks as well known in many jurisdictions (and cites *Sanofi v. 诉孙启 [Sun Qi Feng] 案件编号*, WIPO Case No. [D2021-2066](#); *Sanofi v. Domain Admin, Whoisprotection.cc / Jose Flora, Waeco mart ltd*, WIPO Case No. [D2021-1857](#); *Sanofi v. Aamir Hitawala*, WIPO Case No. [D2021-1781](#); *Sanofi v. Yansheng zhang, GNAME.COM PTE.LTD*, WIPO Case No. [D2021-1751](#); *Sanofi v. Contact Privacy Inc. Customer 0161263426 / Mike Willis, Sanofi Pasteur*, WIPO Case No. [D2021-1320](#); *Sanofi v. li yue rong [李玥蓉]*, WIPO Case No. [D2021-0649](#); *Sanofi v. WhoisGuard Protected, WhoisGuard, Inc. / Rate funds, [Name Redacted]*, WIPO Case No. [D2021-0318](#); *Sanofi v. Contact Privacy Inc. Customer 1246827457, Contact Privacy Inc. Customer 1246827457 / Gopal Yadav, Onineaudiotraining*, WIPO Case No. [D2020-0832](#); *Sanofi v. HUANG GUANGJIN aka HUANGGUANGJIN*, WIPO Case No. [D2020-0814](#); *Sanofi v. Liu Huaxiang (刘华祥)*, WIPO Case No. [D2020-0746](#); *Sanofi v. wingsknow*, WIPO Case No. [D2020-0642](#); *Sanofi v. Liu Huaxiang (刘华祥)*, WIPO Case No. [D2020-0617](#); *Sanofi v. Li Qiong Shi*, WIPO Case No. [D2020-0473](#); *Sanofi v. Privacy Inc. Customer 1246084445 / Thu Ha Bui*, WIPO Case No. [D2020-0441](#) and *Sanofi v. Svetlana Guseva*, WIPO Case No. [D2019-2815](#))

II. Rights or Legitimate Interests

That the Respondent does not have any legitimate interest in using the disputed domain names since the name of the Respondent has no resemblance with the words "vaxrabeo" and "vaxrabia", and stresses that the fact that both words have no particular meaning makes them highly distinctive.

That the Respondent has neither a prior right nor a legitimate interest to justify the use of the well-known trademarks of the Complainant.

That the Complainant has never licensed or authorized the Respondent to use its trademarks or to register any domain name including its VAXRABEO and VAXRABIA trademarks. That, consequently, there is no relationship between the Complainant and the Respondent.

That the Respondent used a privacy service offered by a registrar to keep its identity secret.

That the Respondent is not using the disputed domain names in connection with a bona fide offering of goods or services to confer a right or legitimate interest under the Policy's paragraph 4 (c)(1) since the disputed domain names are being used to resolve to a parking website designed to sell the disputed domain names to the highest bidder, unfairly attracting the Complainant's consumers to it.

That, given the Respondent's acts, it is obvious that the Respondent is using the disputed domain names to obtain commercial gain by misleading Internet users.

That previous Panels have held that the use of a third party's trademark to lead Internet users to a parking website does not correspond to a bona fide non-commercial use (and cites *F. Hoffmann-La Roche AG v. Macalve e-dominios S.A.*, WIPO Case No. [D2006-0451](#)). And that this case law is applicable to this case, so it can be inferred that the Respondent is not making a legitimate non-commercial or fair use of the disputed domain names.

III. Registered or Used in Bad Faith

That previous Panels have found opportunistic bad faith in cases in which the disputed domain name is confusingly similar to a Complainant's well-known trademarks (and cites *Sanofi v. Cai Rui Qiao*, WIPO Case No. [D2017-1765](#); *Sanofi v. Whois Agent, Whois Privacy Protection Service, Inc. / Jim Moretta*, WIPO Case No. [D2016-0096](#); *Giorgio Armani S.p.A. Milan, Swiss Branch Mendrisio v. Min Zhi*, WIPO Case No. [D2013-0020](#); *Christian Louboutin v. no*, WIPO Case No. [D2013-0538](#); *MasterCard International Incorporated v. North Tustin Dental Associates*, WIPO Case No. [D2007-1412](#), and *Sanofi v. Bo Li*, WIPO Case No. [D2013-1971](#)).

That the Respondent registered the disputed domain names in bad faith because the choice of incorporating the VAXRABEO and VAXRABIA trademarks therein cannot be the result of a coincidence.

That the Respondent does not have any legitimate interest in using the disputed domain names because its name does not bear any resemblance to the words "vaxrabeo" and "vaxrabia", which have no particular meaning and therefore are highly distinctive, which should be deemed sufficient to characterize bad faith registration.

That the Respondent does not have a prior right nor a legitimate interest to justify the registration and use of the Complainant's trademarks in the disputed domain names, which induces bad faith.

That, given the famous and distinctive nature of the Complainant's VAXRABEO and VAXRABIA trademarks, the Respondent likely knew about the existence of the Complainant and its trademarks when registering the disputed domain names, and that this behavior suggests that the Respondent acted in opportunistic bad faith.

That the disputed domain names were clearly registered with the purpose of creating a likelihood of confusion (or an impression of it) with the Complainant's trademarks and domain names.

That previous Panels have held that "knowledge of the complainant's intellectual property rights, including trademarks at the time of registration of the disputed domain name is highly indicative of bad faith registration" and that previous Panels have also recognized the reputation of the Complainant's trademarks (and cites *Compagnie Générale des Etablissements Michelin v. Vyacheslav Nechaev*, WIPO Case No. [D2012-0384](#)).

That it is inconceivable that the Respondent registered the disputed domain names unaware of the Complainant's rights and reputation, considering the risk of deception and confusion that would inevitably arise from the registration of the disputed domain names by misleading Internet users searching for the Complainant.

That, given the distinctive nature of the Complainant's VAXRABEO and VAXRABIA trademarks, the Respondent likely knew about the Complainant's trademarks, which constitutes opportunistic bad faith.

That the disputed domain names resolved to parking websites, and were registered for the purpose of attracting the Complainant's clients as it is clearly revealed in said websites that the Respondent is selling the disputed domain names to their highest bidders, diverting the Complainant's clients.

That the Respondent is trying to ride off the Complainant's worldwide reputation, and that this practice has been recognized as bad faith by previous Panels (and cites *Classmates Online, Inc v. Mary-Lamb*, WIPO Case No. [D2009-0715](#)).

That the content of the parking websites provides income to the Respondent depending on the number of hits generated on a pay-per-click basis, and that previous Panels have found that a domain name which reproduces a well-known trademark and leads to a parking site amounts to bad faith use (and cites *Sanofiaventis and Aventis Pharma SA v. Advent Innovations*, WIPO Case No. [D2005-0377](#)).

That previous Panels have found bad faith in similar cases, holding that parking websites fall under the Policy's paragraph 4 (b) (iv) (and cites *Parrot S.A. v. Whois Service, Belize Domain WHOIS Service*, WIPO Case No. [D2007-0779](#); and *F. Hoffmann-La Roche AG v. Bargin Register, Inc. – Client Services*, WIPO Case No. [D2012-0474](#)).

That the Complainant is often the victim of unfair commercial behaviors as found by previous Panels (and cites *Sanofi v. Michael Tycoon [c/o Rebel.com Privacy Service]*, WIPO Case No. [D2012-0497](#); *Sanofi v. Vitalik Tkachok*, WIPO Case No. [D2011-1818](#); *Sanofi v. Malevitch Viatcheslav*, WIPO Case No. [D2011-1815](#); *Sanofi-Aventis v. Above.com Domain Privacy / Treasure Enterprise Ltd*, WIPO Case No. [D2009-1634](#); *Sanofi-Aventis v. Transure Enterprise Ltd*, WIPO Case No. [D2010-0964](#); *Sanofiaventis v. Transure Enterprise Ltd. Host Master*, WIPO Case No. [D2008-1636](#); *Sanofi-aventis and Aventis Inc v. Andrew Miller*, WIPO Case No. [D2008-1061](#); and *Sanofi-Aventis v. Contact Privacy Inc Customer 0132380420 / ICS INC*, WIPO Case No. [D2010-0367](#)).

That the lack of use of the disputed domain names that are particularly close to those used by the Complainant may cause irreparable damage to the Complainant's goodwill because Internet users could be misled to believe that the Complainant does not have presence on the Internet or that it is out of business (and cites *M. Antonino Amadeo (Reminiscence Diffusion Internationale) v. Gas Bijoux SAS / GAS Olivier*, WIPO Case No. [D2012-1831](#)).

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy sets out the three requirements that the Complainants must prove in order to successfully request remedies:

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

Given the Respondent's default and therefore, failure to specifically address the case merits as they relate to the three UDRP elements, the Panel may decide this proceeding based on the Complainant's undisputed factual allegations under paragraphs 5(f), 14(a), and 15(a) of the Rules (see *Joseph Phelps Vineyards LLC v. NOLDC, Inc., Alternative Identity, Inc., and Kentech*, WIPO Case No. [D2006-0292](#); *Encyclopaedia Britannica, Inc. v. null John Zuccarini, Country Walk*, WIPO Case No. [D2002-0487](#); see also WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 4.3).

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.

The Complainant has shown its rights in respect of the VAXRABEO and VAXRABIA trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.2.1 and 1.4.

The disputed domain names are identical to the Complainant's VAXRABEO and VAXRABIA trademarks because the disputed domain names reproduce entirely both distinctive terms, without the addition of another term or any other modification of the Complainant's VAXRABEO and VAXRABIA trademarks whatsoever.

The addition of the gTLD ".com" to the disputed domain names constitutes a technical requirement of the Domain Name System ("DNS"). Thus, it has no legal significance in assessing identity or confusing similarity in the present case (see *CARACOLITO S SAS v. Nelson Brown, OXM.CO*, WIPO Case No. [D2020-0268](#); *SAP SE v. Mohammed Aziz Sheikh, Sapteq Global Consulting Services*, WIPO Case No. [D2015-0565](#); and *Bentley Motors Limited v. Domain Admin / Kyle Rocheleau, Privacy Hero Inc.*, WIPO Case No. [D2014-1919](#) and [WIPO Overview 3.0](#), section 1.11.1.)

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.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights to 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 to 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 the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. The Respondent, by failing to specifically address the Complainant's contentions, 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.

The Panel notes that the disputed domain names are identical to the Complainant's distinctive trademarks, thus carrying a high risk of implied affiliation, and currently resolving to parking websites with a listed price relating to the auction of the disputed domain names, which clearly does not reflect any noncommercial use. Hence, no rights or legitimate interests can be found in favor of the Respondent.

Therefore, 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.

The Complainant has ascertained its rights over its VAXRABEO and VAXRABIA trademarks. The Complainant has not proven that said trademarks are well-known. The dates of registration of the Complainant's trademarks significantly precede the date of registration of the disputed domain names. In the present case, the Panel notes that the disputed domain names are identical to the Complainant's VAXRABEO and VAXRABIA trademarks for purposes of the Policy, thus engaging in a cybersquatting conduct. The fact that the Respondent registered the disputed domain names, which are identical to the Complainant's VAXRABEO and VAXRABIA trademarks, and that the disputed domain names are currently resolving to parking websites, shows that the Respondent has targeted the Complainant and its trademarks, which constitutes opportunistic bad faith (see section 3.2.1 of the [WIPO Overview 3.0](#); see also *L'Oréal v. Contact Privacy Inc. Customer 0149511181 / Jerry Peter*, WIPO Case No. [D2018-1937](#); *Gilead Sciences Ireland UC / Gilead Sciences, Inc. v. Domain Maybe For Sale c/o Dynadot*, WIPO Case No. [D2019-0980](#); *Dream Marriage Group, Inc. v. Romantic Lines LP, Vadim Parhomchuk*, WIPO Case No. [D2020-1344](#); and *Valentino S.p.A. v. Qiu Yufeng, Li Lianye*, WIPO Case No. [D2016-1747](#)).

Moreover, the disputed domain names resolve to parking websites. Therefore, this Panel considers that the Respondent is trying to capitalize on the reputation and goodwill of the Complainant and its VAXRABEO and VAXRABIA trademarks by misleading Internet users, for commercial gain, to the website to which the disputed domain names resolve, by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of said websites, which constitutes bad faith under paragraph 4(b)(iv) of the Policy (see section 3.1.4 of the [WIPO Overview 3.0](#)).

The Panel finds that the Complainant has established the third element 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 disputed domain names <vaxrabeo.com> and <vaxrabia.com> be transferred to the Complainant.

/Kiyoshi Tsuru/

Kiyoshi Tsuru

Sole Panelist

Date: January 22, 2025