

## **ADMINISTRATIVE PANEL DECISION**

Apoteket AB v. Jonh Polily, Pham  
Case No. D2025-0577

### **1. The Parties**

The Complainant is Apoteket AB, Sweden, represented by AWA Sweden AB, Sweden.

The Respondent is Jonh Polily, Pham, Pakistan.

### **2. The Domain Name and Registrar**

The disputed domain name <apoteketonlinee.com> is registered with OwnRegistrar, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 13, 2025. On February 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 13, 2025, 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 (Jonh Polily) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 17, 2025, 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 amended Complaint on February 20, 2025.

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 February 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 13, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 14, 2025.

The Center appointed John Swinson as the sole panelist in this matter on March 19, 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 has conducted retail services in respect of pharmaceutical products and health products in Sweden since the company was formed in 1970. Up until the Swedish pharmaceutical market was deregulated in 2009, the Complainant operated all pharmacies in Sweden. During the years 2002-2008, this was about 900 stores. The Complainant is still the biggest operator in Sweden of pharmacies that may be visited physically, having 400 pharmacies. In Stockholm alone, the Complainant has approximately 70 physical stores.

Historically, the Complainant has named its stores as “Apoteket”.

The Complainant uses the APOTEKET trademark today for its stores, online sales, and in different commercial contexts.

The Complainant owns Swedish trademark registration No. 622852 for APOTEKET, registered on August 18, 2022. The Complainant also has European Union trademark registrations for APOTEKET, e.g. registration No. 005131875, registered on January 30, 2008.

The Respondent did not file a Response. According to the Registrar’s records, the Respondent has an address in the city of Buea and the country of Pakistan. The Panel notes that the city of Buea is in Cameroon.

The disputed domain name was registered on December 5, 2024.

In late December 2024, the disputed domain name resolved to a website that was titled “Swiss Pharma” and “Bästa Sverige Apoteket”. The website was in Swedish. It advertised pharmaceutical products for sale, including products such as OxyContin tables and Novotropin.

At the present time, the website titles have been removed. The website currently allows consumers to purchase pharmaceutical products online. The website is partially in Swedish and partially in English. The currency shown on the website is Swedish Krona.

#### **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 name.

Notably, the Complainant contends that the disputed domain name contains the Complainant’s APOTEKET mark in its entirety.

The Complainant also asserts that the website at the disputed domain name was used for the resale of different illegal drugs, narcotics and other illegal preparations, and that the Respondent is obviously capitalizing on the reputation and goodwill of the Complainant’s APOTEKET mark.

The information that the Respondent has provided regarding contact details for itself is so scant that it appears that the Respondent aims to prevent the Complainant from knowing the identity of the actual underlying registrant of the disputed domain name.

Given that the website operated in Swedish and Sweden is the country where the Complainant conducts its primary business activities, the content of the website and the inclusion of the Complainant's trademark in the disputed domain name is particularly damaging. The Complainant's trademark APOTEKET enjoys a strong reputation, which the Respondent has exploited by incorporating it into their domain name. This deliberate action is likely intended to mislead Internet users regarding the origin and authenticity of the website, thereby causing confusion and potential harm to the Complainant's brand and reputation.

## **B. Respondent**

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

## **6. Discussion and Findings**

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

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

The onus of proving these elements is on the Complainant.

### **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 name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The 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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, "onlinee") may bear on 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.

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 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 the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent 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 name such as those enumerated in the Policy or otherwise.

The Complainant asserts that the website at the disputed domain name was used for the resale of illegal drugs, narcotics, and other illegal preparations. The Respondent did not attempt to rebut this claim.

Panels have held that the use of a domain name for illegal activity, including the sale of counterfeit goods or illegal pharmaceuticals, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds the second element of the Policy has been established.

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

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

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 website at the disputed domain name is in Swedish and appears to target Swedish consumers. The Complainant has presented evidence that the Complainant and its APOTEKET mark are well-known in Sweden; formerly being a Swedish state monopoly for many decades. The Respondent provides products, such as that can be for illegal products, in the same field as the products provided by the Complainant. The Panel concludes, particularly in the absence of a response and noting the illegal nature of the conduct on the related website, that it is highly likely that the Respondent registered the disputed domain name knowing of the Complainant and to take advantage of the Complainant's trademark rights in its APOTEKET mark. In sum, all of the various factors outlined herein, support a finding that the Respondent is unfairly targeting the Complainant and its mark, rather than any conceivable good faith use of the terms comprising the domain name for their descriptive qualities.

The Panel finds that the Respondent has attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion as to the source, affiliation or endorsement of the website. This amounts to evidence of bad faith registration and use under paragraph 4(b)(iv) of the Policy.

Panels have held that the use of a domain name for illegal activity (here, claimed sale of counterfeit goods or illegal pharmaceuticals) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

Moreover, the Respondent is using privacy services, false Registrant details, and not identifying itself on its website. This is further evidence of bad faith.

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 name <apoteketonlinee.com> be transferred to the Complainant.

*/John Swinson/*

**John Swinson**

Sole Panelist

Date: April 2, 2025