

## ADMINISTRATIVE PANEL DECISION

Novartis AG v. Robert Braastad, Alliance Union Pty Limited  
Case No. DCC2025-0001

### 1. The Parties

The Complainant is Novartis AG, Switzerland, represented by Abion GmbH, Switzerland.

The Respondent is Robert Braastad, Alliance Union Pty Limited, United States of America (“United States” or “US”).

### 2. The Domain Name and Registrar

The disputed domain name <novatisfcu.cc> (the “Disputed Domain Name”) is registered with NameSilo, LLC (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 23, 2025. On January 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 23, 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 (Domain Administrator, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 24, 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 January 24, 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 January 30, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 19, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 20, 2025.

The Center appointed Dr. Beatrice Onica Jarka as the sole panelist in this matter on February 24, 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 the holding company of the Novartis Group, one of the biggest global pharmaceutical and healthcare groups. It provides solutions to address the evolving needs of patients worldwide by developing and delivering innovative medical treatments and drugs.

The Complainant, located in Switzerland, was created in 1996 through a merger of two other companies Ciba Geigy and Sandoz.

In 1947, the formerly known Novartis Federal Credit Union, referred to as “Novartis FCU” was founded, to service the financial needs of employees within Novartis AG and their families. In 2022, Novartis FCU changed their name to Ridgedale Federal Credit Union (hereinafter referred to as “Ridgedale FCU”) and continues to operate under that name to this day. The domain name through which Novartis FCU operated its business was <novartistfcu.org> (which now redirects users to another Complainant’s domain name <ridgedalefcu.org>). The Complainant’s products are manufactured and sold in many countries worldwide, including in the United States, where it has an active presence through its subsidiaries and associated companies and where it has been playing an active role on the local markets and societies.

The Complainant is the owner of the registered trademark NOVARTIS in numerous jurisdictions all over the world, among which are:

- Swiss trademark: NOVARTIS, Reg. No. 2P-427370, Registration Date: July 1, 1996;
  - International trademark: NOVARTIS, Reg. No. 663765, Registration Date: July 1, 1996;
  - International Trademark: NOVARTIS, Reg. No. 1349878, Registration date: November 29, 2016;
- and
- US Trademark: NOVARTIS, Reg No. 4986124 Registration Date: June 28, 2016.

The Complainant has built up a considerable online presence and is operating numerous domain names composed of its NOVARTIS trademark alone, such as <novartis.com> (registered in 1996) or in combination with other terms, such as <novartispharma.com> (registered in 1999). The Complainant also operates pages on various social media platforms.

According to the registration details provided by the Registrar, the Respondent in this administrative proceeding is Robert Braastad, Alliance Union Pty Limited.

The Disputed Domain Name was registered on December 23, 2024. As at January 2, 2025, it resolved to an active website posing as a platform offering financial services operated by “Novartis Federal Credit Union” (in some sections, including in the copyright notice, the website operator was referenced as “Novartis FCU”). The website “Contact Us” section also included the address of the Complainant’s affiliate formerly known as Novartis FCU. At the time of filing of the Complaint and amended Complaint, the Disputed Domain Name still resolves to the same content.

#### **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 is confusingly similar with the trademark in which the Complainant holds rights and this case represents a clear case of typosquatting for the following reasons:

- The Disputed Domain Name incorporates in its second level-portion, a misspelled version of the Complainant's well-known trademark NOVARTIS, by removing the letter "r", followed by the relevant term "fcu" (being an abbreviation of the term "Federal Credit Union").
- The Complainant's trademark NOVARTIS has been misspelled on purpose in the Disputed Domain Name to capitalize on Internet users' possible typing or reading errors when looking for information, or to communicate with the Complainant online. It is important to underline that, as previously mentioned, "Novartis FCU" was once a credit union founded to service the financial needs of employees within Novartis AG and their families.
- The Disputed Domain Name resolves to an active website posing as a financial platform operated by the formerly known "Novartis FCU"
- The addition of the term "fcu" does not prevent a finding of confusing similarity between the Disputed Domain Name and the trademark.

The Respondent does not hold any rights or legitimate interests in the Disputed Domain Name, for the following reasons:

- The Complainant has never granted the Respondent any right to use the NOVARTIS trademark in the Disputed Domain Name, nor is the Respondent affiliated to the Complainant in any form.
- The Complainant has not found that the Respondent is known by the Disputed Domain Name terms.
- At the time the Complainant found out about the Disputed Domain Name on January 2, 2025, it resolved to an active website posing as a financial platform operated by the formerly known Novartis FCU. At the time of filing of the Complaint and at the time of filing of the amended Complaint, the Disputed Domain Name still resolves to the same content.
- The use of the NOVARTIS trademark on the website suggests a potential intent to deceive or confuse Internet users, by falsely associating the website at the Disputed Domain Name with the Complainant, in order to lure unsuspecting Internet users into a potential fraud.
- On January 2, 2025, the Complainant sent a Cease-and-Desist letter to the Respondent via the contact email on the website and via the email listed on the publicly available Whois records, by which the Complainant informed the Respondent of the Complainant's rights regarding the NOVARTIS trademark. The Complainant further sent reminders on January 13, 2025, and January 20, 2025, but there was no response.
- The Complainant recently filed a UDRP complaint in *Novartis AG v. zilong zhao*, WIPO Case No. [DCC2024-0037](#), in which the disputed domain name also resolved to a website posing as a financial platform operated by the formerly known Novartis FCU with identical content to that shown on the Disputed Domain Name.

The Respondent registered and used the Disputed Domain Name in bad faith for the following reasons:

- The Respondent registered the Disputed Domain Name many years after the registrations of the Complainant's NOVARTIS trademarks. The NOVARTIS trademark is a widely known trademark registered in many countries and the Complainant enjoys a strong online presence. The Complainant is very active on social media to promote its mark, products and services.
- The structure of the Disputed Domain Name reflects the Respondent's intention to create an association, and a subsequent likelihood of confusion, with the Complainant, its NOVARTIS trademark and the Novartis group in Internet users' mind, as by reading the Disputed Domain Name, Internet users may believe that it is directly connected to or authorized by the Complainant.
- The Disputed Domain Name resolves to a developed website posing as a financial platform operated by the Complainant, under the names "Novartis Federal Credit Union" and "Novartis Federal Credit Union", where Internet users can register for an account and deposit funds.
- It is likely that the Respondent has provided false Whois details.

## **B. Respondent**

Although procedurally summoned, the Respondent did not reply to the Complainant's contentions.

## **6. Discussion and Findings**

### **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 NOVARTIS, for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Disputed Domain Name incorporates in its second level-portion, a misspelled version of the Complainant's well-known trademark NOVARTIS, by removing the letter "r", followed by the term "fcu".

The Panel finds that the mark remains sufficiently recognizable in the Disputed Domain Name.

Although the addition of other term "fcu" 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 NOVARTIS trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Accordingly, 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.

Among the circumstances asserted by the Complainant and considered by the Panel for supporting the finding that the Respondent does not hold any rights or legitimate interests in the Disputed Domain Name, the Panel gives particular standing to the circumstance that the Disputed Domain Name resolves to an active website posing as a financial platform where Internet users can register for an account and deposit funds purportedly operated by a Complainant's affiliate formerly known as Novartis FCU. It appears from the

evidence presented that the website operator is inconsistently referred to as “Novatis Federal Credit Union” or, in some sections, including in the copyright notice, as “Novartis FCU”. The Disputed Domain Name in itself is nearly identical to the domain name <novartisfcu.org> used by the mentioned Complainant’s affiliate. Furthermore, the website is using additionally the actual address of the former Novartis FCU in the “Contact Us” section. This certainly shows that the Respondent is trying to impersonate the Complainant in order to deceive Internet users.

This Panel agrees with the Complainant that such use of the NOVARTIS trademark as the one to which the Disputed Domain Name resolves indicates an intent to deceive or confuse Internet users by misleading them into believing that the website at the Disputed Domain Name is operated by the Complainant, in order to lure them into a potential fraud.

UDRP panels have held that the use of a domain name for illegal activity, here, claimed as impersonation/passing off, or other types of fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Accordingly, 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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In this case, the Panel notes that one may reasonably infer from the circumstances related to the registration and use of the Disputed Domain Name the bad faith of the Respondent in registering and using the Disputed Domain Name to attract Internet users to its website by creating a likelihood of confusion with the Complainant and its trademarks, in the hope that Internet users would enter their financial information and deposit funds on such website.

The Panel’s refers to the following circumstances:

- It is very likely that the Respondent had been familiar with the Complainant and the Complainant’s history, including the Complainant’s affiliate formerly known as Novartis FCU, considering that the Disputed Domain Name, shortly after its registration, has resolved to a website posing as a financial platform operated by the Complainant, under the names “Novatis Federal Credit Union” and “Novartis FCU”.
- One could identify clear attempts of the Respondent to refer to the Complainant and to impersonate the same, creating a likelihood of confusion with the Complainant and its trademarks, for commercial gain.
- It appears that the Respondent has actually targeted the Complainant and its business as it directed the Disputed Domain Name to a website posing as a financial platform where Internet users can register for an account and deposit funds operated by the Complainant under the names “Novatis Federal Credit Union” and “Novartis FCU”, including in the copyright notice, and featuring the postal address of the Complainant’s affiliate formerly known as Novartis FCU.

Panels have held that the use of a domain name for illegitimate activity/ illegal activity, here, claimed impersonation, passing off, or other types of fraud, 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.

Accordingly, 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 <novatisfcu.cc> be transferred to the Complainant.

*/Dr. Beatrice Onica Jarka/*

**Dr. Beatrice Onica Jarka**

Sole Panelist

Date: March 7, 2025