

ADMINISTRATIVE PANEL DECISION

Sanofi v. Ilgam Nurtdinov
Case No. D2024-0686

1. The Parties

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

The Respondent is Ilgam Nurtdinov, Russian Federation.

2. The Domain Name and Registrar

The disputed domain name <plavix.guru> is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 14, 2024. On February 14, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 15, 2024, 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 (REDACTED FOR PRIVACY, Whois Privacy Protection Foundation) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 15, 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 February 19, 2024.

The Center verified that the Complaint together with the amendment to 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 February 20, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 11, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 12, 2024.

The Center appointed Meera Chature Sankhari as the sole panelist in this matter on March 25, 2024. 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 French multinational pharmaceutical company headquartered in Paris, France, ranking as the world's 4th largest multinational pharmaceutical company by prescription sales. The Complainant engages in research, development, manufacturing and marketing of seven pharmaceutical products for sale, principally in the prescription market, but the firm also develops over-the-counter medication. Historically, the Complainant's company was formed as Sanofi-Aventis in 2004 by the merger of Aventis and Sanofi-Synthelabo, and changed its name to Sanofi in May 2011.

The Complainant has a leading position in seven major therapeutic areas, namely cardiovascular, thrombosis, metabolic disorders, oncology, central nervous system, internal medicine and vaccines. The Complainant has been recognized in the annual "L2 Digital IQ Index: Pharmabrand & Healthcare Providers" worldwide brand survey issued April 18, 2011, in which the Complainant appeared in the "Flash of Genius" in reference to its promoting patient resources. The Complainant is a full member of the European Federation of Pharmaceutical Industries and Associations (EFPIA).

The Complainant had a consolidated net sales of 37,7 billion Euros in 2021, 36.04 billion Euros in 2020, 34.46 billion Euros in 2018, 35.05 billion euros in 2017, 33.82 billion Euros in 2016, 34.06 billion Euros in 2015 and 31.38 billion Euros in 2014. The Complainant is a multinational company settled in more than 100 countries on all five continents employing 100,000 people and offers a wide range of patented prescription drugs to treat patients with serious diseases.

The Complainant offers a wide range of high-growth drugs, with several pharmaceutical blockbusters, amongst which is PLAVIX, one of the two leading drugs in the category of thrombosis medicines. PLAVIX is an anti-platelet agent indicated for a number of atherothrombotic conditions.

The Complainant has developed and sold throughout the world, under the trademark PLAVIX, a drug indicated for the reduction of recurrence after ischemic cerebrovascular disorder. It is one of the world's ten leading medicines, and to date, over 100 million patients throughout the world have been treated with PLAVIX. PLAVIX has been commercialized since 1998, first in the United States of America and then in Germany and in the United Kingdom. PLAVIX is available in over 115 countries and regions (North America, Türkiye, Greece, Belgium, Portugal, Hungary, France, Republic of Korea, India, China, Australia, New Zealand, Mexico, Brazil, Netherlands (Kingdom of the), etc.). The Complainant has used PLAVIX as its trademark and trade name for over 15 years and invested substantial financial resources over the years to advertise and promote the company and its PLAVIX branded pharmaceutical products in countries all over the world.

The Complainant is the owner of the trademark PLAVIX, some of the trademark registrations secured by the Complainant are mentioned below:

Trademark	Class(s)	Registration no.	Country	Registered since
PLAVIX	5	93484877	France	July 28, 1993
PLAVIX	5	613041	Austria, Belgium, Netherlands (Kingdom of the), Luxembourg, Bulgaria, China, Germany, Spain, Czech Republic, Hungary, Morocco, Portugal, Romania,	December 27, 1993

			Russian Federation, Slovenia, Ukraine and Viet Nam	
PLAVIX	5	694151	Uzbekistan, Bulgaria, Belgium, Netherlands (Kingdom of the), Luxembourg, Belarus, Switzerland, Cuba, Czech Republic, Germany, Algeria, Spain, Hungary, Italy, Poland, Portugal, Romania, Russia Federation, Slovakia, Ukraine and Viet Nam	June 16, 1998
PLAVIX	5	002236578	European Union	April 18, 2002

The Complainant is the owner of several domain names, with “plavix” in them, one of them being <plavix.com>, which it registered on March 26, 1998.

The Respondent secured registration to the disputed domain name on October 21, 2023. The disputed domain name leads to an active website stating “Buy Medications. From the Best Drug Store of February 2024 as per Customer Reviews”. By clicking on the “Buy Safe” link, the Internet users are redirected to another website through which an Internet user can purportedly buy pharmaceutical products including the Complainant’s PLAVIX products at discounted prices.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for the cancellation of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the Complainant’s trademark as it includes the Complainant’s trademark PLAVIX in its entirety followed by the term “guru”. The Complainant contends that by creating this disputed domain name, the Respondent is creating confusion and the consumers may believe that this disputed domain name refers to the Complainant and there exists an inevitable risk that the disputed domain name will cause confusion, as it could lead an average consumer to mistakenly believe that the disputed domain name is related to the official PLAVIX websites.

Further the Complainant also contends that it is operating under PLAVIX trademark and trade name for over 15 years and advertises and promotes the company and its products under the mark PLAVIX and has invested sustainable amounts of financial resources into it. The Complainant contends that all of these activities have helped it in acquiring a reputation and goodwill. Lastly the Complainant states numerous UDRP decisions involving PLAVIX trademarks, to substantiate its claims of reputation and attraction of said trademarks by cyber-squatters.

The Complainant submits that neither does the Respondent own any trademark corresponding to the disputed domain name nor has the Complainant licensed/authorized the Respondent to use its trademark or any domain name including the trademark PLAVIX. The Complainant further contends that the Respondent does not have any rights or legitimate interests in using the disputed domain name since the Respondent did not even indicate their identity, and the details of the Respondent are non-existing as the registrant of the disputed domain name.

Further, the Complainant claims that the disputed domain name was registered solely to unfairly attract the Complainant's consumers. This is evident from the Respondent's webpage, which aims to mislead consumers into believing that there is a connection, sponsorship, or affiliation between the Respondent and the Complainant. Such actions aim to mislead consumers into believing that the Respondent's activities are endorsed or approved by the Complainant.

The disputed domain name redirects Internet users to a commercial website selling purportedly the PLAVIX products at a discounted price, which the Complainant alleges demonstrates the Respondent's deliberate use of the Complainant's trademark and the disputed domain name to confuse Internet users into believing a connection with the Complainant, which is not a genuine offering of goods and services.

The Complainant argues that it should be considered that, given the famous and distinctive nature of the mark PLAVIX, the Respondent is likely to have had, at least, constructive, if not actual notice, as to the Complainant's mark while registering the disputed domain name.

Lastly, the Complainant argues that the Respondent acted with opportunistic bad faith in having registered the disputed domain name that is confusingly similar to the Complainant's well-known trademark. It has registered the disputed domain name for the purpose of gaining unfair benefit of the Complainant's goodwill and reputation by using the disputed domain name, which suggests an effort to create a likelihood of confusion with the Complainant's trademark and domain names as to the source, sponsorship, affiliation, etc. That the Respondent has registered and used the disputed domain name for the purpose of disrupting the Complainant's business, by displaying commercial links which redirect Internet users to a competing website selling pharmaceutical goods.

B. Respondent

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 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 identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The generic Top-Level Domain (gTLD) ".guru", is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.

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 nature of the disputed domain name carries a high risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5. The disputed domain name is not being used in connection with a bona fide offering of goods or services, instead it is used to resolve to a website offering medications for sale and redirects users to another website purportedly offering pharmaceutical products including the Complainant’s PLAVIX products at discounted prices. Panels have held that the use of a domain name for illegal activity such as 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

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.

In the present case, the Panel notes that the Respondent’s registration and utilization of the disputed domain name demonstrate bad faith, a claim which the Respondent failed to contest. Considering the global renown of the Complainant and its registered PLAVIX trademarks and the domain names consisting of this mark, along with its established presence in various countries including Russian Federation, it is implausible that the Respondent wasn’t aware of the Complainant’s trademark rights when registering the disputed domain name.

Additionally, the composition of the disputed domain name, which includes the Complainant’s trademark in its entirety, along with the gTLD “guru”, suggests a potential affiliation and doesn’t qualify as “fair use” as it implies affiliation, endorsement or sponsorship by the Complainant. In this instance, the Respondent appears to be aiming to draw in Internet users interested in the product by creating confusion with the Complainant’s trademark and purportedly selling the Complainant’s products at discounted prices, which could potentially be fake products.

Panels have held that the use of a domain name for illegal activity such as 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.

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 <plavix.guru> to be cancelled.

/Meera Chature Sankhari/

Meera Chature Sankhari

Sole Panelist

Date: April 9, 2024