

ADMINISTRATIVE PANEL DECISION

Teva Pharmaceutical Industries Ltd. v. Joesph Driscoll, tevaltd; Palo Askdanfs; Rudy Lambert, tevahrr; Toby Huber, tevaglobal; Granville Durant, teva-inc.com; Rosario Eagle, tevalc; Lincoln Robles, Teva-inc; Robby Childers, tevaltd
Case No. D2024-2402

1. The Parties

The Complainant is Teva Pharmaceutical Industries Ltd., Israel, represented by SILKA AB, Sweden.

The Respondents are Joesph Driscoll, tevaltd, United States of America ("United States"); Palo Askdanfs, Ukraine; Rudy Lambert, tevahrr, United States; Toby Huber, tevaglobal, United States; Granville Durant, teva-inc.com, United States; Rosario Eagle, tevalc, United States; Lincoln Robles, Teva-inc, United States; Robby Childers, tevaltd, United States.

2. The Domain Names and Registrar

The disputed domain names <tevacompany.net>, <teva-global.com>, <teva-hr.com>, <teva-inc.com>, <teva-inc.com>, <teva-llc.com>, <teva-ltd.com>, and <tevaltd.com> (the "Domain Names") are registered with Hostinger Operations, UAB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 12, 2024. On June 12, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On June 13, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names which differed from the named Respondent (Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint.

The Center sent an email communication to the Complainant on June 13, 2024 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amendment to the Complaint on June 17, 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 Respondents of the Complaint, and the proceedings commenced on June 20, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 10, 2024. The Respondents did not submit any response. Accordingly, the Center notified the Respondent's default on July 11, 2024.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on July 19, 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 to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is a large generic medicines producer, leveraging a portfolio of 3,600 different products. The Complainant produces annually 76 billion tablets and capsules at 53 manufacturing facilities worldwide. The Complainant was in 2023 active in more than 60 countries, and it had revenues of more than USD 15.85 billion, and more than 37,000 employees internationally.

The Complainant has a large portfolio of TEVA trademarks in many countries, e.g. United States Registration No. 1567918, registered on November 28, 1989. The Complainant has online presence inter alia under the domain name <tevapharm.com> registered on June 14, 1996.

The Domain Names have been registered between April 16 and 29, 2024. The Domain Names have not resolved to active webpages. The Domain Names have been set up with MX records (which indicates the Domain Names may be used to create email addresses).

5. Parties' Contentions

A. Complainant

The Complainant argues that the Domain Names are under common control. All the Domain Names were registered in April 2024. All registrations have used the same privacy registration service and the same Registrar. The Domain Names target the Complainant's trademark and have a similar structure. All the Domain Names are inactive or resolve to parking websites. Seven of the eight registrants are apparently located in the same state of the United States and have listed registrant data in a similar manner.

The Complainant provides evidence of trademark registrations and points out that its trademark has been recognized as well-known in former UDRP decisions. The Complainant's trademark is incorporated in its entirety in all of the Domain Names. The Domain Names incorporate hyphens and generic terms (such as “global” or “company”) and abbreviations, but these additions do not prevent a finding of confusing similarity between the Complainant's trademark and the Domain Names.

The Complainant argues that the Respondents have no rights or legitimate interests in respect of the Domain Names. The Complainant has not authorized the Respondents to use its trademarks in any way. The Respondents are not commonly known by the Domain Names. The Respondents have not made any demonstrable preparations to use the Domain Names in connection with a bona fide offering of goods or services. The Domain Names have no particular meaning in the English language. The Domain Names are currently inactive, or they merely resolve to parking websites. The Domain Names carry a high risk of implied false affiliation with the Complainant and its activities.

The Complainant argues that the Domain Names were registered and are being used in bad faith as it is implausible that the Respondents were unaware of it when the Domain Names were registered. The Respondents have registered eight domain names that include the Complainant's well-known trademark. It is more than likely that the Respondents had the Complainant and its activities in mind when registering the Domain Names. The mere registration of a domain name that is identical or confusingly similar to a famous trademark, by an unaffiliated entity can by itself create a presumption of bad faith. The non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. The Complainant's trademark is well-known internationally, and it is likely the Respondents were aware of it as at the time of its registration of the Domain Names. The Respondents' use of a privacy registration service for the Domain Names to conceal their identity, and set up to create email addresses, are additional indications of bad faith.

B. Respondent

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

6. Discussion and Findings

6.1. Procedural matters

The Complaint was filed in relation to nominally different domain name registrants. The Complainant argues that the domain name registrants are the same entity or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder. In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

As regards to common control, the Panel notes that the Domain Names are registered in the same period, composed the same way, all registrations have used the same privacy registration service and the same Registrar. All the Domain Names target the Complainant's trademark and have a similar structure. They are inactive or resolve to parking websites. Seven of the eight registrants are apparently located in the same state of the United States and have listed registrant data in a similar manner.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party. The registrants have been granted the right to comment but opted not to. Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to as "the Respondent") in a single proceeding.

As one of the registrants is listed with an address in Kiev, Ukraine, subject to an international conflict at the date of this Decision that may impact case notification, it is appropriate for the Panel to consider whether the proceeding should continue, cf. paragraph 10 of the Rules where the Panel is required to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and also that the administrative proceeding takes place with due expedition. The Panel notes even if it is unclear whether the courier was able to deliver the written notice to the address which the Respondent had provided in Ukraine; the notice appears to have been delivered to the Respondent's email address provided by the Registrar. The Respondent has not opposed to the continuation of the proceedings. The Complainant has specified in the Complaint that it will submit to any challenge made by the Respondent to any decision to transfer the Domain Names to the jurisdiction of the courts of the location of the Registrar and the domain name holders' addresses. Moreover, as described below, the Panel has no doubt that the Respondent has registered and used the Domain Names in bad faith to target the Complainant and mislead consumers. The

Panel concludes that the Parties have been given a fair opportunity to present their case, and so that the administrative proceeding takes place with due expedition the Panel will proceed to a Decision accordingly.

6.2. Substantive Issues

A. Identical or Confusingly Similar

The test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the Domain Names. See [WIPO Overview 3.0](#), section 1.7. The Complainant has established that it has rights in the trademark TEVA. Each Domain Name incorporates the Complainant's trademark in its entirety and thus, the Complainant's trademarks are recognizable within the Domain Names. The additions of other terms as well as the inclusion of hyphens do not prevent a finding of confusing similarity. See [WIPO Overview 3.0](#), section 1.8. For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain ("gTLD") as it is viewed as a standard registration requirement. See [WIPO Overview 3.0](#), section 1.11.1.

Based on the available record, the Panel finds the Domain Names are confusingly similar to the trademark in which the Complainant has rights. The first element of paragraph 4(a) 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. While 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 often-impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. See [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Domain Names. 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 Domain Names. There is no evidence of the Respondent's use of, or demonstrable preparations to use, the Domain Names or a name corresponding to the Domain Names in connection with a bona fide offering of goods or services. The Panel also notes that while seven of the Domain Names' registration details include organization data incorporating a "teva" component (i.e. "tevaltd", "tevahr", "tevaglobal", "teva-incusa", "teval-c", "Teva-inc", and "tevaltd"), the Respondent has not provided any credible evidence that it is commonly known by the Domain Names or names corresponding to the Domain Names. Rather, taking into account the broader circumstances of this case, the Panel finds it most likely that this organization data is fictitious, likely intended to falsely suggest a connection with the Complainant. Moreover, the composition of the Domain Names carries a risk of implied affiliation as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. See [WIPO Overview 3.0](#), section 2.5.1.

Based on the available record, 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 composition of the Domain Names coupled with the fame of the Complainant's trademark suggest that the Respondent was aware of the Complainant and its prior rights when the Respondent registered the Domain Names. The mere registration of a domain name that is confusingly similar to a well-known trademark, by an unaffiliated entity, can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4. The Respondent has failed to provide any evidence of actual or contemplated good faith use of the Domain Names, and no rights or legitimate interests are evident on the record. The non-use of the Domain Names does not prevent a finding of bad faith under the doctrine of passive holding. The Complainant's trademark is well-known, and it is indeed likely the Respondent was aware of it as at the time of registration of the Domain Names. The use of a privacy service to conceal the Respondent's identity also points to bad faith. By registering eight disputed domain names that are confusingly similar to the Complainant's well-known mark, the Respondent has engaged in a pattern of abusive registrations, a further indicator of bad faith. Moreover, the creation of MX records in this case carries a significant risk of abuse, e.g. the sending of phishing or other fraudulent communications impersonating the Complainant from email addresses associated with the confusingly similar Domain Names.

For the reasons set out above, the Panel concludes that the Domain Names were registered and are being used in bad faith, within the meaning of paragraph 4(a)(iii) of the Policy. The third element of the Policy 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 the Domain Names, <tevacompany.net>, <teva-global.com>, <teva-hr.com>, <teva-inc.com>, <tevainc.com>, <teva-llc.com>, <teva-ltd.com>, and <tevaltd.com>, transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: August 2, 2024