

ADMINISTRATIVE PANEL DECISION

Pfizer Inc. v. Shi Lei
Case No. D2024-4517

1. The Parties

The Complainant is Pfizer Inc., United States of America ("United States"), represented by Arnold & Porter Kaye Scholer LLP, United States.

The Respondent is Shi Lei, China.

2. The Domain Name and Registrar

The disputed domain name <pfizerconnect.com> is registered with Spaceship, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 1, 2024. On November 4, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 5, 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 Purposes, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 7, 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 amended Complaint on November 9, 2024.

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 November 15, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 5, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 6, 2024.

The Center appointed Kaya Köklü as the sole panelist in this matter on December 23, 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 large and widely known pharmaceutical manufacturer with global operations in more than 125 countries.

The Complainant has long-standing trademark rights in the trademark PFIZER. Among many others, the Complainant is the registered owner of the United States Trademark Registration No. 626,088, registered on May 1, 1956, for PFIZER (combined) and the United States Trademark Registration No. 2951026 for PFIZER (word), registered on May 17, 2005, claiming protection inter alia for pharmaceutical preparations as covered in class 5.

The Complainant also owns numerous domain names comprising its PFIZER trademark, including <pfizer.com>. The Complainant further owns and operates the domain name <pfizerpapconnect.com>, which is used for a patient assistance program that provides free medicines to eligible patients in need.

The Respondent is reportedly located in China and has apparently been involved in more than 65 other UDRP disputes as a respondent before, most, if not all of them decided against the Respondent. For instance, see *Newsmax Media Inc. v. Shi Lei*, WIPO Case No. [D2024-2033](#), and *Skyscanner Limited v. Shi Lei*, WIPO Case No. [D2023-4342](#).

The disputed domain name was registered on November 26, 2020.

According to the case record, the disputed domain name resolves to a landing page with pay-per-click (“PPC”) links to third-party websites related to products and services offered by the Complainant.

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.

B. Respondent

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

6. Discussion and Findings

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to a trademark 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.

Paragraph 4(a) of the Policy states that the Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not replied to the Complainant's contentions. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

However, concerning the uncontested information provided by the Complainant, the Panel might, where relevant, accept the provided reasonable factual allegations in the Complaint as true. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 4.3.

It is further noted that the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistent with the consensus views stated therein.

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 3.0](#), section 1.7.

The Complainant has shown rights in respect of the PFIZER trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

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

Although the addition of other terms, here "connect", 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 PFIZER 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. Particularly, the Complainant put forward that the Respondent is neither an authorized business partner of the Complainant nor a licensee of its PFIZER trademark and that the Respondent is not commonly known by the terms "pfizer connect" or any other similar terms. 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 Panel notes that the composition of the disputed domain name incorporates the Complainant's trademark and the term "connect" and as such is similar to the Complainant's own domain name <pfizerpapconnect.com> which is used by the

Complainant for its patient assistance program and carries a risk of implied affiliation. UDRP panels have found that the use of a domain name to host a parked page comprising PPC links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users. [WIPO Overview 3.0](#), section 2.9.

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 the present case, the Panel notes that the Respondent must have had the Complainant and its PFIZER trademark in mind when registering the disputed domain name, particularly considering the inherently misleading composition of the disputed domain name comprising the Complainant's widely-known PFIZER trademark in its entirety. Further, the disputed domain name is also similar to the Complainant's domain name <pfizerpapconnect.com>, which is used by the Complainant for its patient assistance program. It is obvious to the Panel that the Respondent has deliberately chosen the disputed domain name to target the Complainant.

With respect to the use of the disputed domain name in bad faith, the Panel notes that the disputed domain name resolves to a landing page with PPC links to third-party websites related to products and services offered by the Complainant.

In addition, the Panel accepts the failure of the Respondent to submit a response to the Complainant's contentions as an additional indication for bad faith use.

Lastly, the Panel further notes that the engagement of the Respondent in a pattern of trademark-abusive domain name registrations further supports the finding of bad faith registration and use of the disputed domain name. See, e.g., *Newsmax Media Inc. v. Shi Lei*, WIPO Case No. [D2024-2033](#); *Sandoz AG v. Shi Lei*, WIPO Case No. [D2024-2965](#); *Verizon Trademark Services LLC v. 石磊 (Shi Lei / Lei Shi)*, WIPO Case No. [D2024-1150](#); *Haleon UK IP Limited v. 石磊 (Shi Lei)*, WIPO Case No. [D2024-0730](#); *Compagnie de Saint-Gobain v. 石磊 (Shi Lei)*, WIPO Case No. [D2024-0198](#); *LEGO Juris A/S v. 石磊 (Lei Shi or Shi Lei)*, WIPO Case No. [D2024-0576](#); *Haleon UK IP Limited v. Shi Lei, Shi Lei*, WIPO Case No. [D2023-4704](#); *Skyscanner Limited v. Shi Lei*, WIPO Case No. [D2023-4342](#); *W.W. Grainger, Inc. v. Shi Lei*, WIPO Case No. [D2023-4266](#); and *Skyscanner Limited v. Shi Lei*, WIPO Case No. [D2023-4157](#).

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 <pfizerconnect.com> be transferred to the Complainant.

/Kaya Köklü/

Kaya Köklü

Sole Panelist

Date: January 6, 2025