

ADMINISTRATIVE PANEL DECISION

BioNTech SE v. Name Redacted, biotech and Bio Tech, Thomas Petrilli
Case No. D2024-5052

1. The Parties

The Complainant is BioNTech SE, Germany, represented by MSA IP – Milojevic Sekulic & Associates, Serbia.

The Respondents are Name Redacted¹, biotech, and Bio Tech, Thomas Petrilli, United States of America (“US”).

2. The Domain Names and Registrars

The disputed domain names <biontech-de.com> and <biotechde.com> are respectively registered with NameCheap, Inc. and NameSilo, LLC (the “Registrars”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 7, 2024. On December 9, 2024 and December 11, 2024, the Center transmitted by emails to the Registrars requests for registrar verification in connection with the disputed domain names. On December 9, 2024 and December 11, 2024, the Registrars respectively transmitted by emails to the Center their verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondents (Privacy service provided by Withheld for Privacy ehf, and Domain Administrator, See PrivacyGuardian.org) and contact information in the Complaint.

The Center sent an email communication to the Complainant on December 13, 2024 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the

¹ The Respondent appears to have used the name of a third party when registering the disputed domain name <biontech-de.com>. In light of the potential identity theft, the Panel has partially redacted the Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar NameCheap, Inc. regarding transfer of the disputed domain name <biontech-de.com>, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar NameCheap, Inc. as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

Complainant to either file separate complaint(s) 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 disputed domain names are under common control. The Complainant filed an amended Complaint on December 19, 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 Respondents of the Complaint, and the proceedings commenced on December 20, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 9, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on January 10, 2025.

The Center appointed Taras Kyslyy as the sole panelist in this matter on January 23, 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 was founded in 2008, and it is a biotechnology company specialized in the development of novel therapies for cancer and other serious diseases. It develops and manufactures active immunotherapies for patient-specific approaches to the treatment of diseases, which include pharmaceutical candidates based on messenger RNA (mRNA) for use, inter alia, as individualized cancer immunotherapies and as vaccines against infectious diseases. The company focuses on developing cancer therapeutics, including individualized immunotherapy, as well as vaccines for infectious diseases, including Covid-19 (together with the US pharmaceutical company Pfizer). The Complainant has a strong global media presence because it is one of the few companies which have developed a vaccine in relation to Covid-19 infections in response to the growing global health crisis. In cooperation with Pfizer, they have started "Project Lightspeed" and developed a successful vaccine in media known as the BioNTech/Pfizer (or Pfizer/BioNTech) Covid-19 vaccine.

The Complainant is the owner of a number of trademark registrations for its mark BIONTECH, including for instance the European Union trademark registration No. 008964447, registered on December 22, 2010.

In addition, the Complainant is the registrant of a number of domain names, which incorporate its BIONTECH trademark, including for instance <biontech.com> registered on May 29, 1998.

The disputed domain name <biontech-de.com> was registered on November 26, 2024, and does not resolve to any active website. The disputed domain name <biotechde.com> was registered on December 2, 2024, and resolved to a webpage with pay-per-click ("PPC") links and does not resolve to any active website at the time of this decision. The disputed domain names were used for phishing campaign impersonating the employees of 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 names.

Notably, the Complainant contends that the disputed domain names are confusingly similar to the Complainant's trademark. The disputed domain name <biotech-de.com> incorporates the Complainant's trademark in its entirety with addition of the hyphen and the term "de" and generic Top-Level Domain ("gTLD") ".com". On the other hand, the disputed domain name <biotechde.com> incorporates a typo version of the Complainant's trademark in combination with the term "de" and gTLD ".com". The additional term "de" within the disputed domain names, which represents country code for Germany is closely related to the Complainant, who is a German company. Therefore, the structure of the disputed domain names suggests to Internet users that they are navigating to domain names related to the Complainant, or that they are receiving the emails from the Complainant, as it was the case in the recent phishing campaign in which the disputed domain names were used. Although the word "biotech" in the disputed domain name <biotechde.com> may be perceived as a generic word, it is clear that in this disputed domain name it was not intended to be used in its generic context, but rather as a typo version of the well-known Complainant's trademark where only letter "n" is omitted from this trademark. Additionally, it should be noted that this disputed domain name <biotechde.com> was registered after the Complainant has successfully prevented further abusive phishing campaign on the domain names <infobiotech.de.com>, <biotechse.de> and the disputed domain name <biotech-de.com>. Therefore, it seems very likely that the Respondents have chosen to register this disputed domain name that contains a typo version of the BIONTECH trademark in order to prevent its early detection by the Complainant and therefore to try to continue phishing campaign without interruptions. The gTLD ".com" in the disputed domain names should be viewed as a standard registration requirement and disregarded.

The Complainant also contends that the Respondents have no rights or legitimate interests in the disputed domain names. The Respondents are not affiliated with the Complainant in any way and has not been authorized or licensed by the Complainant to use its trademark or to seek registration of any domain name incorporating said mark. The Respondents did not demonstrate use of, or demonstrable preparations to use, the disputed domain names in connection with a bona fide offering of goods or services. Indeed, the disputed domain names either resolve to an inactive page or a PPC page, indicating that the Respondents have no intention to develop a legitimate activity through the disputed domain names. The Respondents are neither commonly known by the name "Biontech", "Biontech De" nor in any way affiliated with the Complainant. Moreover, the disputed domain names entirely incorporate the well-known BIONTECH trademark of the Complainant (or a typo version thereof) and for that reason, the Respondents cannot reasonably pretend they were intending to develop a legitimate activity through the disputed domain names. The Respondents have used the disputed domain names for phishing campaign in order to send fraudulent emails impersonating the Complainant and its employees, which appears to be a part of wider phishing campaign organized by the Respondents. Accordingly, it cannot be inferred that the Respondents are making a legitimate noncommercial or fair use of the disputed domain names. It also needs to be noted that at least one of the Respondents' contact information, revealed upon submission of the Complaint, appears to be false and non-sensical, as it clearly uses identity of the Complainant's employee in combination with the address of another pharmaceutical company and identity of employee of that company in the email address.

Finally, the Complainant contends that the disputed domain names were registered and are being used in bad faith. It is implausible that the Respondents were unaware of the Complainant when they registered the disputed domain names. In that sense, it should be noted that the Complainant is well known throughout the world. Due to the exceptional media presence of the Complainant throughout the Covid-19 pandemic, it is indeed difficult to imagine that the Respondents did not have the Complainant in mind when registering the disputed domain names. This is additionally emphasized by the structure of the disputed domain names as they incorporate the Complainant's well-known BIONTECH trademark (or a typo version thereof) in combination with "de" ISO Alpha-2 country code for Germany, which clearly indicates that the Respondents were well aware of the Complainant and its country of origin. Furthermore, the use of the disputed domain names for sending phishing emails impersonating the Complainant indicates that the Respondents were perfectly aware of the Complainant and its BIONTECH trademark when registering the disputed domain names. The Respondents employ a privacy shield. The Respondent deliberately chose the disputed domain names and registered them in bad faith with the Complainant in mind in order to make a commercial gain and to disrupt the Complainant's activity. The disputed domain names have been used for fraudulent email scheme impersonating the Complainant, the Complainant's employees and using the Complainant's

BIONTECH trademark. Clear inference that can be drawn from the Respondents' operations is that they are trying to benefit from the fame of the Complainant's trademarks. In that sense, it seems likely that the Respondents' primary motive in registering and using the disputed domain names was to capitalize on or otherwise take advantage of the Complainant's trademark rights.

B. Respondents

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

6. Discussion and Findings

A. Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, 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.

The disputed domain name registrants did not comment on the Complainant's request.

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 common control, the Panel notes that the disputed domain names were registered within a short period of time; the registrant organization of the disputed domain names is the same (i.e., "biotech" or "Bio Tech"); the disputed domain names were used for the phishing campaign where two of senior team members of the Complainant were impersonated; phishing emails associated with the disputed domain names used the identical signature with a cropped photo of the Complainant's logo and had similar contents.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

B. 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 names. 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 <biontech-de.com>. Accordingly, this disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the disputed domain name <biotechde.com> consists of an obvious misspelling of the Complainant's trademark, and the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is considered to be confusingly similar to the Complainant's mark for purposes of the first element. [WIPO Overview 3.0](#), sections 1.7 and 1.9.

Although the addition of other terms here, "-de" in <biontech-de.com> and "de" in <biotechde.com>, may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names 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.

C. 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 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 disputed domain names such as those enumerated in the Policy or otherwise.

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

The available evidence does not confirm that the Respondent is commonly known by the disputed domain names, which could demonstrate its rights or legitimate interests (see, e.g., *World Natural Bodybuilding Federation, Inc. v. Daniel Jones TheDotCafe*, WIPO Case No. [D2008-0642](#)).

The Complainant did not license or otherwise agree for use of its prior registered trademarks by the Respondent. At the time of filing of the Complaint, the disputed domain names was either inactive or resolved to a PPC website, thus no actual or contemplated bona fide or legitimate use of the disputed domain names could be reasonably claimed under the circumstances of this case.

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

D. 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 after registering the disputed domain names that are confusingly similar to the Complainant's well-known trademark, the Respondent used them for sending phishing emails impersonating the Complainant's employees. The Panel finds this confirms that the Respondent knew and targeted the Complainant and its well-known trademark when registering the disputed domain names, which confirms the bad faith. [WIPO Overview 3.0](#), section 3.2.2.

The mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. The Panel is convinced that the Complainant's trademark is well established through long and widespread use and the Complainant has acquired a significant reputation and level of goodwill in its trademark both in Germany and internationally. Thus, the Panel finds that the disputed domain names that are confusingly similar to the Complainant's trademark were registered in bad faith. [WIPO Overview 3.0](#), section 3.1.4.

Panels have held that the use of a domain name for illegal activity here, claimed phishing and impersonation/passing off 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 names constitutes bad faith under the Policy.

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 names <biontech-de.com> and <biotechde.com> be transferred to the Complainant.

/Taras Kyslyy/

Taras Kyslyy

Sole Panelist

Date: February 5, 2025