

## **ADMINISTRATIVE PANEL DECISION**

Boehringer Ingelheim Vetmedica GmbH. v. Yiwei Ren  
Case No. D2025-0003

### **1. The Parties**

The Complainant is Boehringer Ingelheim Vetmedica GmbH, Germany, represented by Nameshield, France.

The Respondent is Yiwei Ren, China.

### **2. The Domain Name and Registrar**

The Disputed Domain Name <fencovis.biz> is registered with Spaceship, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 2, 2025. On January 2, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On January 3, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 6, 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 6, 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 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 30, 2025.

The Center appointed Michal Havlík as the sole panelist in this matter on February 4, 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 a part of family-owned pharmaceutical group founded in the 19th century. FENCOVIS is a prescription medicine used for the active immunization of pregnant heifers and cows in order to stimulate the development of antibodies against various viruses and to increase the level of passive immunization of calves against neonatal diarrhea.

The Complainant owns multiple trademark registrations including:

International Registration FENCOVIS no. 1023363 registered on November 13, 2009, inter alia, in the European Union, United Kingdom, Japan, United States of America and China for veterinary preparations in class 5.

The Complainant has owned and operated the domain name <fencovis.com> since July 9, 2009.

The Disputed Domain Name was registered on December 2, 2024, and resolves to a website offering the Disputed Domain Name for sale for USD 1,450. There was no change on the website after filing of the Complaint.

#### **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.

The Complainant cites its international registration for word mark FENCOVIS. The Complainant contends that the Disputed Domain Name contains the FENCOVIS trademark in its entirety. Furthermore, the Complainant states that the only change is the addition of the generic Top-Level Domain ("gTLD") ".biz". Nonetheless, such does not change the overall impression of the designation as being connected to the Complainant's trademark. It does not prevent the likelihood of confusion between the Disputed Domain Name and the Complainant, its trademark, and its associated domain names. Consequently, the Complainant concluded that the Disputed Domain Name is identical to its trademark FENCOVIS.

The Complainant contends that the Respondent has prima facie no rights or legitimate interests in respect of the Disputed Domain Name. Furthermore, it holds that the Complainant's earlier rights precede the Disputed Domain Name by a long period. Moreover, the Complainant contends that it never licensed or granted an authorization to the Respondent to use FENCOVIS trademark.

The Disputed Domain Name is offered for sale which evidences a lack of the Respondent's rights and legitimate interests. Furthermore, the Complaint alleges that the registration and use of the Disputed Domain Name was undertaken in bad faith. The Complainant contends that the lack of bad faith follows from the existence of the Complainant's trademark registration and use of the sign FENCOVIS, the Respondent's offer of the Disputed Domain Name and the Respondent's failure to make an active use of the Disputed Domain Name.

## B. Respondent

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

## 6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant has the burden of proving the following:

- (i) that the Disputed Domain Name is identical or confusingly similar to a trademark or a service mark in which the Complainant has rights; and
- (ii) that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- (iii) that the Disputed Domain Name has been registered and is being used in bad faith.

### A. Identical or Confusingly Similar

The Complainant has shown rights regarding a trademark or service mark for the purpose of the Policy. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.2.1.

The Complainant has sufficiently demonstrated existence of its trademark rights in numerous key jurisdictions including China. The requirements of the first element for the purposes of the Policy may be satisfied by a trademark registered in any country. See *Thaigem Global Marketing Limited v. Sanchai Aree*, WIPO Case No. [D2002-0358](#). The Disputed Domain Name incorporates the entirety of the Complainant's trademark FENCOVIS and the gTLD ".biz".

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 gTLD is an obligatory part of the domain name and is to be disregarded in assessment of confusing similarity, see *Autodesk v. MumbaiDomains*, WIPO Case No. [D2012-0286](#).

Accordingly, this Panel finds that the Disputed Domain Name is identical with the trademark in which the Complainant has rights.

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, previous panels have recognized that proving a respondent lack of 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 right 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 (even though 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.

The Panel finds that the Respondent is not identified as the Disputed Domain Name and there is nothing on the record to suggest that the Respondent is commonly known by the Disputed Domain Name. Furthermore, the Panel finds that the Respondent has no rights or legitimate interests regarding the Disputed Domain Name as no license or authorization has been granted to the Respondent with regard to the Complainant's trademark FENCOVIS.

In addition, the Panel notes that the Respondent has not made any use of the Disputed Domain Name other than an offer for sale of the Disputed Domain Name.

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 illustrating rights or legitimate interests in the Disputed Domain Name such as those enumerated in the Policy or otherwise.

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 purpose of paragraph 4(a)(iii), paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, 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.

The Panel notes that the Complainant's trademark FENCOVIS predates the Disputed Domain Name and is highly distinctive. Therefore, the Respondent knew or should have known about the Complainant's trademark prior to registering the Disputed Domain Name, see *Hoffmann-La Roche AG v. Popo*, WIPO Case No. [D2008-0423](#).

The Panel finds that the Respondent has not made any use of the Disputed Domain Name other than an offer for sale of the Disputed Domain Name, which may be considered as evidence of bad faith registration and use as well.

When taking into account all relevant facts and circumstances, the Panel notes that the Disputed Domain Name is identical to the Complainant's trademark, the Respondent has no rights or legitimate interests in the Disputed Domain Name and has failed to prove any evidence of actual or contemplated good-faith use and such use is practically implausible. The Panel finds that the Respondent has registered and used the Disputed Domain Name in bad faith primarily for the purpose of reselling the Disputed Domain Name.

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 <fencovis.biz> be transferred to the Complainant.

*/Michal Havlík/*

**Michal Havlík**

Sole Panelist

Date: February 18, 2025